

the resolution of problems in: First, referring and selecting research papers for publication in primary journals; second, publishing abstracting journals; third, indexing research papers; fourth, publishing critical review journals and perhaps even news-type periodicals and, most important, I would hope it would provide informative interdisciplinary guides and standards for authors of scientific papers.

The question is no longer are we going to do it? The question now is how soon we are going to realize it? The answer to the

latter will depend on the efforts and dedication of all of us. I have no doubt that the efforts of my committee and the support and cooperation from this audience of outstanding scientists and professional societies will make it possible to plunge this Nation into the 21st century's challenge of research retrieval at least three decades early.

If I had the omnipotent power to move mountains to permit the light to shine through, I would use it to convince our American scientific community that America can no longer delay development of a more

effective national system for research data processing and information retrieval.

Virtually every major nation of the world is developing today some form of national retrieval systems—Russia, France, England, Poland, West Germany, the Scandinavian countries, Italy, India; and even in Santiago, Chile, a national information center is being built with our foreign aid funds.

Will it take another Soviet breakthrough like sputnik in 1957 to wake this Nation out of its lethargy in research retrieval?

I hope not.

SENATE

MONDAY, OCTOBER 21, 1963

(Legislative day of Tuesday, October 15, 1963)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our help in ages past, our hope for years to come: Grateful for that help and that hope, bowing in the peaceful stillness of this Chamber, a citadel of freedom where, in the yesterdays, fateful decisions have molded the life of the Nation. We beseech Thee to guide by Thy wisdom the pending legislation of this body, entrusted with power so vast that it awes and solemnizes our hearts.

Consecrate anew, we pray, these servants of the Republic, that they may be ministers of Thy will for this troubled generation heaving with the yeast of changing patterns.

Make plain to our understanding, as we read the signs of these times, that legal enactments in themselves are utterly futile to bring social salvation unless they are undergirded by inner integrity and reliance on spiritual resources, without which all else we may attempt are as bending props against a decaying house that the Lord hath not made.

In the Redeemer's name we pray. Amen.

ASSISTANCE TO INSTITUTIONS OF HIGHER LEARNING

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, House bill 6143, the so-called higher education bill, on which there is a limitation of debate and controlled time.

The Senate resumed the consideration of the bill (H.R. 6143) to authorize assistance to public and other nonprofit institutions of higher education in financing the instruction, rehabilitation, or improvement of needed academic and related facilities in undergraduate and graduate institutions.

The VICE PRESIDENT. The committee substitute is open to amendment.

Mr. MANSFIELD. Mr. President, under the unanimous-consent agreement, the name of the Senator from New York [Mr. JAVITS] is listed as controlling a part of the time, whereas, when the

request was made, it was made in behalf of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. I ask that the name be changed accordingly.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MORSE obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the majority leader.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, notwithstanding the unanimous-consent agreement, there be a brief morning hour, not to exceed 15 minutes in length, during which time resolutions and memorials may be submitted, bills may be introduced, and Senators may speak for not to exceed 3 minutes, and also that a conference report may be considered in the meantime.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, October 17, 1963, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on October 18, 1963, the President had approved and signed the joint resolution (S.J. Res. 123) to authorize the printing and binding of an edition of "Senate Procedure" and providing the same shall be subject to copyright by the authors.

REPORT ON OPERATION OF TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 170)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report,

was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the seventh annual report on the operation of the trade agreements program. The report covers the year in which the Trade Agreement Extension Act of 1958 expired and the Trade Expansion Act of 1962 took effect.

During this period of transition:

Free world trade continued to expand with exports climbing to a record of \$124 billion and with U.S. exports alone reaching a new high of \$20.9 billion—\$4.5 billion more than our imports;

There was further freeing of trade in agriculture, helping U.S. farm exports to hold their own at the \$5 billion mark;

The needs of the less-developed countries in their trade relations received more attention than ever before.

The advent of the Trade Expansion Act was followed almost immediately by actions described in this report (and others that have since taken place) to put its provisions into effect. These actions have gone forward on schedule despite the temporary setback in the movement toward European economic unity.

A new round of trade negotiations under the General Agreement on Tariffs and Trade has now been scheduled. The negotiations can lead to an expansion of free world trade in all products and in all directions. They can help deal with the problem of agricultural protectionism and the dilemma of hunger and glut. They can turn trade into a more effective tool of economic growth for the developing nations.

This report tells of barriers to U.S. trade that have been eliminated or reduced in the past year. It also describes some that still exist and new ones that have been created. Every nation maintaining old barriers or imposing new ones has a reason for doing so, but all nations, including our own, will benefit more from the expansion of trade than from restrictions that curtail trade.

The United States will continue to press for the removal of all restrictions that hinder our exports. It will also continue to follow a national policy of self-restraint in the use of restrictions and of confidence in the intentions of our trading partners to do the same. This is the policy laid down by the Trade Expansion Act. Our adherence to it is essential to the maintenance of the upward course of free world trade described in this report.

JOHN F. KENNEDY.

THE WHITE HOUSE, October 21, 1963.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Internal Security Subcommittee of the Judiciary Committee be authorized to meet during the session of the Senate today.

Mr. KUCHEL. Mr. President, reserving the right to object, I assume that all the requests for committee meetings during the session of the Senate have been cleared with the minority.

Mr. MANSFIELD. That is correct.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I also ask that the Finance Committee be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The VICE PRESIDENT. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

THE COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the Coast Guard which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair announces the appointment of the junior Senator from Alabama [Mr. SPARKMAN] as a delegate to the ninth NATO Parliamentarians' Conference, and chairman of the Senate delegation, to be held in Paris, France, November 4-9, 1963, vice the junior Senator from Arkansas [Mr. FULBRIGHT], who will be unable to attend the Conference.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF MODIFICATION OF VERTICAL TEST STAND NO. 3, PROPULSION FIELD LABORATORY, SANTA SUSANA, CALIF.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the modification of Vertical Test Stand No. 3 (VTS-3), Propulsion Field Laboratory, Santa Susana, Calif.; to the Committee on Aeronautical and Space Sciences.

REPORT ON NUMBER OF OFFICERS ASSIGNED TO PERMANENT DUTY IN THE EXECUTIVE ELEMENT OF THE AIR FORCE AT SEAT OF GOVERNMENT

A letter from the Secretary of the Air Force, reporting, pursuant to law, that as of September 30, 1963, there was an aggregate of 2,172 officers assigned to permanent duty in the executive element of the Air Force at the seat of Government; to the Committee on Armed Services.

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISING

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on Air Force military construction contracts awarded without formal advertising, for the period January 1, 1963, through June 30, 1963 (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT, OFFICE OF CIVIL DEFENSE

A letter from the Deputy Assistant Secretary of Defense, reporting, pursuant to law, a report on property acquisitions of emergency supplies and equipment, Office of Civil Defense, Department of Defense, for the quarter ended September 30, 1963; to the Committee on Armed Services.

REPORT ON LOCATION, NATURE, AND ESTIMATED COST OF FACILITIES PROPOSED TO BE UNDERTAKEN FOR THE ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on the location, nature and estimated cost of facilities proposed to be undertaken for the Army National Guard, dated October 14, 1963 (with an accompanying report); to the Committee on Armed Services.

REPORT OF BUREAU OF COMMERCIAL FISHERIES

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a report of the Bureau of Commercial Fisheries of the Department of the Interior (with an accompanying report); to the Committee on Commerce.

REPORT ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES, FEDERAL COMMUNICATIONS COMMISSION

A letter from the Acting Chairman, Federal Communications Commission, Washing-

ton, D.C., transmitting, pursuant to law, a report on the backlog of pending applications and hearing cases in that Commission as of August 31, 1963 (with an accompanying report); to the Committee on Commerce.

PUBLICATION ENTITLED "ALL-ELECTRIC HOMES, ANNUAL BILLS, JANUARY 1, 1963"

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate a copy of the Commission's publication entitled "All-Electric Homes, Annual Bills, January 1, 1963" (with an accompanying document); to the Committee on Commerce.

REPORT OF U.S. INFORMATION AGENCY

A letter from the Acting Director, U.S. Information Agency, Washington, D.C., transmitting, pursuant to law, the 20th semiannual report of that Agency, for the period January 1 to June 30, 1963 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON OVERPRICING OF K-27 TUBE SHEET ASSEMBLIES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the overpricing of K-27 tube sheet assemblies procured from Fairbanks, Morse & Co., by Union Carbide Nuclear Co., under Atomic Energy Commission cost-type contract, dated October 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CERTAIN UNNECESSARY PROCUREMENT AND REPAIR COSTS BY THE DEPARTMENT OF THE ARMY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary procurement and repair costs by the Department of the Army for J-2 gyro magnetic compass components available in the military supply systems, Department of Defense, dated October 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY PROCUREMENT OF SPECIALLY DESIGNED 60,000-B.T.U. AIR CONDITIONERS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the unnecessary procurement of specially designed 60,000-B.T.U. air conditioners, Department of the Army, dated October 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS IN THE PROCUREMENT OF CLUTCH PRESSURE PLATES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs in the procurement of clutch pressure plates, Department of the Army, dated October 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON DEFICIENCIES AND PROBLEM AREAS RELATING TO DESIGN AND CONSTRUCTION ACTIVITIES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on deficiencies and problem areas relating to design and construction activities of the Federal-aid highway program in the State of Nebraska, Bureau of Public Roads, Department of Commerce, dated October 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON NEED FOR BETTER CONTROLS OVER MANPOWER UTILIZATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for better controls over manpower utilization and other aspects

of buildings management activities, Public Buildings Service, General Services Administration, dated October 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON IMPROPER INCLUSION OF MELAN BRIDGE COSTS, TOPEKA, KANS.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improper inclusion of Melan Bridge costs in the cost of Keyway slum clearance and urban renewal project, Topeka, Kans., by Urban Renewal Administration, Housing and Home Finance Agency, dated October 1963 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT TO CONCESSION CONTRACT, LAKE MEAD NATIONAL RECREATION AREA

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to the concession contract with Overton Resort, Inc., at Overton Beach in Lake Mead National Recreation Area; also a copy of basic contract No. 14-10-304-342, with Wallace Jones and Ivan L. Jones and assignment documents transferring the contract to Overton Resort, Inc. (with accompanying papers); to the Committee on Interior and Insular Affairs.

DISPOSITION OF CERTAIN PROPERTY AT HOT SPRINGS NATIONAL PARK, ARK.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the disposition of certain property at Hot Springs National Park, in the State of Arkansas, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

RELIEF OF CERTAIN EMPLOYEES OF BUREAU OF INDIAN AFFAIRS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation for the relief of certain employees of the Bureau of Indian Affairs (with accompanying papers); to the Committee on the Judiciary.

CONVENTION AND RECOMMENDATIONS OF INTERNATIONAL LABOR CONFERENCE

A letter from the Assistant Secretary of State, transmitting, pursuant to law, copies of (1) ILO convention (No. 117) concerning basic aims and standards of social policy; (2) ILO recommendation (No. 116) concerning the reduction of hours of work; and (3) ILO recommendation (No. 117) concerning vocational training, all of which were adopted by the International Labor Conference at its 46th session at Geneva, June 22, 26, and 27, 1962 (with accompanying documents); to the Committee on Labor and Public Welfare.

REPORT OF SECOND NATIONAL CONFERENCE ON PUBLIC HEALTH TRAINING

A letter from the Surgeon General of the United States, transmitting, pursuant to law, the report of the Second National Conference on Public Health Training (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON NUMBER OF INDIVIDUALS IN EACH GENERAL SERVICE GRADE BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION UNDER THE CLASSIFICATION ACT OF 1949

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, the number of individuals in each general service grade employed by the National Aeronautics and Space Administration, under the Classification Act of 1949, as

amended; to the Committees on Post Office and Civil Service, and the Appropriations Committee.

AUTHORIZATION FOR APPROPRIATIONS TO ATOMIC ENERGY COMMISSION

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend Public Law 88-72 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

A resolution adopted at the annual banquet of the Order of the Sons of Italy in America and the Knights of Columbus, held October 12, 1963, in Wilmington, Del., commending the Senators from Delaware, Mr. WILLIAMS and Mr. BOGGS, for their interest in the enactment of legislation to designate Columbus Day as a legal holiday; to the Committee on the Judiciary.

The petition of Jack Bates and sundry other citizens of the State of Kansas, praying for the enactment of legislation to allow prayer and Bible reading in public schools; to the Committee on the Judiciary.

The petition of Jay Creswell, Sr., of Orlando, Fla., praying for a redress of grievances; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RUSSELL, from the Committee on Armed Services, with an amendment:

H.R. 6500. An act to authorize certain construction at military installations, and for other purposes (Rept. No. 571).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with an amendment:

S. 1605. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to provide for labeling of economic poisons with registration numbers, to eliminate registration under protest, and for other purposes (Rept. No. 573).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S.J. Res. 49. Joint resolution authorizing the Secretary of the Interior to carry out a continuing program to reduce nonbeneficial consumptive use of water in the Pecos River Basin, in New Mexico and Texas (Rept. No. 572).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 26. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes (Rept. No. 574).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1885. A bill to declare that the United States holds in trust for the Indians of the Battle Mountain Colony certain lands which are used for cemetery purposes (Rept. No. 580).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 16. A bill to provide for the establishment of the Ozark National Rivers in the State of Missouri, and for other purposes (Rept. No. 575).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, without amendment:

S. 1594. A bill to determine the rights and interests of the Navajo Tribe and the Ute Mountain Tribe of the Ute Mountain Reservation in and to certain lands in the State of New Mexico, and for other purposes (Rept. No. 581).

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 2635. An act to amend the act of August 9, 1955, for the purpose of including the Fort Mojave Indian Reservation among reservations excepted from the 25 year lease limitations (Rept. No. 579).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 844. An act to declare that certain land of the United States is held by the United States in trust for the Oglala Sioux Indian Tribe of the Pine Ridge Reservation (Rept. No. 576); and

H.R. 845. An act to declare that certain land of the United States is held by the United States in trust for the Oglala Sioux Tribe of the Pine Ridge Reservation (Rept. No. 577).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, with amendments:

S. 136. A bill to place in trust certain lands on the Rosebud Sioux Reservation in South Dakota (Rept. No. 578).

By Mr. JACKSON (for Mr. CHURCH) from the Committee on Interior and Insular Affairs, without amendment:

S. 2139. A bill to provide for the disposition of judgment funds on deposit to the credit of the Kootenai Tribe or Band of Indians, Idaho (Rept. No. 584);

H.R. 6225. An act to provide for the rehabilitation of Guam, and for other purposes (Rept. No. 586); and

H.R. 6481. An act to permit the government of Guam to authorize a public authority to undertake urban renewal and housing activities (Rept. No. 587).

By Mr. JACKSON (for Mr. CHURCH) from the Committee on Interior and Insular Affairs, with an amendment:

S. 1718. A bill to amend the law with respect to trade with the Indians, and for other purposes (Rept. No. 583);

S. 2111. A bill to fix the beneficial ownership of the Colorado River Indian Reservation located in the States of Arizona and California (Rept. No. 585); and

H.R. 1989. An act to authorize the government of the Virgin Islands to issue general obligation bonds (Rept. No. 582).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCARTHY:

S. 2248. A bill to amend the Packers and Stockyards Act, 1921, to provide that marketing agencies acting in good faith shall not be liable for selling livestock mortgaged under the Consolidated Farmers Home Administration Act of 1961, as amended (75 Stat. 307), until the Secretary of Agriculture has exhausted his civil remedies against the mortgagor; to the Committee on Agriculture and Forestry.

By Mr. JACKSON (for himself, Mr. DOUGLAS, Mr. HARTKE, Mr. BAYH, and Mr. ANDERSON):

S. 2249. A bill to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bill, which appears under a separate heading.)

INDIANA DUNES NATIONAL LAKESHORE

Mr. JACKSON. Mr. President, I introduce, on behalf of myself, the Senator from Illinois [Mr. DOUGLAS], the Senator from Indiana [Mr. HARTKE], the Senator from Indiana [Mr. BAYH] and the Senator from New Mexico [Mr. ANDERSON], a bill to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes.

This bill has been submitted by the Secretary of the Interior as the result of long and careful efforts to provide the best possible compromise in connection with our attempts to preserve this great natural area.

I ask unanimous consent that the bill and an accompanying letter from the Assistant Secretary of the Interior be printed at this point in the RECORD, and that the bill be held at the desk for the remainder of the week, to provide an opportunity for additional Senators to join in sponsoring it.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD, and the bill will remain at the desk, as requested by the Senator from Washington.

The bill (S. 2249) to provide for the establishment of the Indiana Dunes National Lakeshore, and for the other purposes, introduced by Mr. JACKSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana Dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana, the Secretary of the Interior is authorized to establish and administer the Indiana Dunes National Lakeshore (hereinafter referred to as the "lakeshore") in accordance with the provisions of this Act. The lakeshore shall comprise the area within the boundaries delineated on a map identified as "A Proposed Indiana Dunes National Lakeshore," dated September 1963, and bearing the number LNPNE-1000-ID, which map is on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.

Sec. 2. Within the boundaries of the lakeshore the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, or otherwise. In order to enhance the recreational benefits of this Act, the Secretary also is authorized to acquire such easements or other interests as he deems necessary to assure public access to the beach and waters of Lake Michigan continuously from the western boundary of the lakeshore in section 21, township 37 north, Indiana Base, range 6 west, Second Principal Indiana Meridian, to the easternmost point

of intersection of the lakeshore boundary with the shoreline. The Indiana Dunes State Park may be acquired only with the consent of the State of Indiana; and the Secretary is hereby directed to negotiate with the State for the acquisition of said park. In exercising his authority to acquire property by exchange for the purposes of this Act, the Secretary may accept title to non-Federal property located within the area described in section 1 of this Act and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary. Properties so exchanged shall be approximately equal in fair market value, as determined by the Secretary who may, in his discretion, base his determination on an independent appraisal obtained by him: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Sec. 3. As soon as practicable after the effective date of this Act and following the acquisition by the Secretary of an acreage within the boundaries of the area described in section 1 of this Act, which in his opinion is efficiently administrable for the purposes of this Act, he shall establish the Indiana Dunes National Lakeshore by publication of notice thereof in the Federal Register. Following such establishment and subject to the limitations and conditions prescribed in section 1 hereof, the Secretary may continue to acquire lands and interests in lands for the lakeshore.

Sec. 4. (a) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within the boundaries of the lakeshore for 1 year following the effective date of this Act. Thereafter such authority shall be suspended with respect to all improved property located within the boundaries of the lakeshore during all times when an appropriate zoning agency shall have in force and applicable to such property a duly adopted, valid zoning ordinance approved by the Secretary in accordance with the provisions of section 5 of this Act.

(b) The term "improved property", whenever used in this Act, shall mean a detached, one-family dwelling, construction of which was begun before April 20, 1961, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be not more than 3 acres in area, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided*, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters, as he may deem necessary for public access thereto.

Sec. 5. (a) As soon as practicable after enactment of this Act, the Secretary shall issue regulations specifying standards for approval by him of zoning ordinances for the purposes of sections 4 and 6 of this Act. The Secretary may issue amended regulations specifying standards for approval by him of zoning ordinances whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions. The Secretary shall approve any zoning ordinance and any amendment to

any approved zoning ordinance submitted to him which conforms to the standards contained in the regulations in effect at the time of adoption of such ordinance or amendment by the zoning agency. Such approval shall not be withdrawn or revoked, by issuance of any amended regulations after the date of such approval, for so long as such ordinance or amendment remains in effect as approved.

(b) The standards specified in such regulations and amended regulations for approval of any zoning ordinance or zoning ordinance amendment shall contribute to the effect of: (1) Prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property covered by the ordinance within the boundaries of the lakeshore; and (2) promoting the preservation and development, in accordance with the purposes of this Act, of the area covered by the ordinance within the lakeshore by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning ordinance consistent with the laws of the State of Indiana.

(c) No zoning ordinance or amendment thereof shall be approved by the Secretary which: (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the lakeshore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such ordinance or amendment.

(d) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under or exception to such zoning ordinance, or is subjected to any use, which variance, exception, or use fails to conform to or is inconsistent with any applicable standard contained in regulations issued pursuant to this section and in effect at the time of passage of such ordinance, the Secretary may, in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation.

(e) The Secretary shall furnish to any party in interest requesting the same a certificate indicating, with respect to any property located within the lakeshore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with provisions of this Act, that such authority has been so suspended and the reasons therefor.

Sec. 6. (a) Any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of acquisition by the Secretary. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(b) The Secretary shall have authority to terminate any right of use and occupancy retained as provided in subsection (a) of this section at any time after the date upon which any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with the

applicable standards contained in regulations issued pursuant to section 5 of this Act and which is in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning ordinance approved in accordance with said section 5 and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event the Secretary terminates a right of use and occupancy under this subsection, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination.

SEC. 7. In the administration of the lakeshore the Secretary may utilize such statutory authorities relating to areas of the national park system and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

SEC. 8. (a) There is hereby established an Indiana Dunes National Lakeshore Advisory Commission. Said Commission shall terminate ten years after the date of establishment of the national lakeshore pursuant to this Act.

(b) The Commission shall be composed of seven members, each appointed for a term of two years by the Secretary, as follows: (1) two members to be appointed from recommendations made by Porter County, Indiana; (2) two members to be appointed from recommendations made by La Porte County, Indiana; (3) two members to be appointed from recommendations made by the Governor of the State of Indiana; and (4) one member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expense reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the Indiana Dunes National Lakeshore and with respect to the provisions of sections 4, 5, and 6 of this Act.

SEC. 9. Nothing in this Act shall deprive any State or political subdivision thereof of its civil and criminal jurisdiction over the lands within this lakeshore, or of its right to tax persons, corporations, franchises, or other non-Federal property on the lands included in such lakeshore.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The letter presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 18, 1963.
Hon. LYNDON JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This Department strongly advocates the enactment of legislation which would authorize establishment of a national lakeshore

in Indiana on the shores of Lake Michigan. The bill we propose would preserve in public ownership, as such lakeshore, significant beaches, dunes and marshes that have important natural values, and that would help to meet the vital need for additional recreational space near densely populated metropolitan areas.

Approximately 11,732 acres in Porter and La Porte Counties are encompassed by the proposed lakeshore boundaries, including the 2,181-acre Indiana Dunes State Park. The areas selected are those deemed most suitable for preservation and portrayal of the natural dunes, and for swimming beaches, campgrounds, picnic areas, hiking and riding trails, and nature study. A number of smaller inland areas are included which are especially suited for preservation as nature preserves or wildlife sanctuaries. Inclusion of the State park, in accordance with negotiations between the Secretary of the Interior and the State, would afford an opportunity to consolidate management of the entire lakeshore under one administration. This would be advantageous from the standpoint of comprehensive planning for the development, preservation, and use of the area. Additionally, the Secretary could acquire such easements or other interests as he deemed necessary for the purpose of providing public access to the beach and waters located in front of certain areas that would remain in private ownership.

The Indiana Dunes once comprised a 25-mile strip of uninhabited, tree-covered dunes, cattail marshes, and sandy beaches stretching continuously along the south shore of Lake Michigan from East Chicago to Michigan City. Here was a paradise for the bird watcher, the beachcomber, the botanist, the hiker, the tent camper, and sun and lake bathers, where scenic solitude was the keynote. As early as 1916, Stephen Mather, the first Director of the National Park Service, recommended this area as being worthy of establishment as a national park. This objective was thwarted by this country's involvement in World War I. In the meantime, industrial and residential development took place in the area and, by now, much of the natural scene has been destroyed. However, the remaining undeveloped beaches, dunes, and marshes along the Indiana shoreline and sections of the hinterland are still tremendously important and merit preservation and administration for public enjoyment and use. This importance is based not only on the value of these areas as natural scenic and scientific assets, but also takes into account the vital need for additional recreational space near highly concentrated centers of population. The area we envision for establishment as the Indiana Dunes National Lakeshore contains a unique combination of lakefront, dunes, and hinterland that is ideally suited to fulfillment of the recreational and open space needs of the people of this region; moreover, its scenic and scientific attractions would continue to draw people from all parts of our country.

The Indiana Dunes are intimately tied in with the history of northeastern Indiana. Following the recession of the last of the Wisconsin glaciers, barrier dunes paralleling the shoreline were built by wave action along the receding edge of glacial Lake Chicago. When the waters of Lake Chicago fell to a level of present-day Lake Michigan, and the waterline became stable, the main series of wind-built dunes were formed. These are much higher than the old barrier dunes inland and are characterized by their jumbled topography.

The flora of the area proposed for preservation as the Indiana Dunes National Lakeshore is outstanding. Following the slow retreat of the Wisconsin ice, the plants which are now characteristic of the northern forests moved through the dunes area northward.

Where conditions of soil, moisture, and temperature were favorable, isolated colonies of northern species held on. Here in the dunes and in the well-drained, sandy flats—cooled by the moderating breezes of Lake Michigan—jack pine and white pine have managed to hang on south of their normal range. Behind and within the main dune complex are a number of low swamps and bogs. In these, northern plants lie cloistered within the larger world of central forest and prairie species. Tamarack, buckthorn, leather leaf, checkerberry, orchids and other unusual plants characterize these special environments. Here, and elsewhere throughout the proposed lakeshore, there is a mixture of plants of the northern and central forests and there are occurrences of flora of both the Prairie Peninsula and the Atlantic coastal plain species.

Combine the various plants of the marsh and pond environments with the varieties above described and the result is a natural scientific and scenic asset so diverse that it is difficult to equal anywhere in this country.

The area's recreational value is readily apparent. Nowhere on the Great Lakes is the need for additional shoreline recreation areas greater than here and only in very few places on the Great Lakes are factors more favorably aligned for combined recreational use of the water, the waterfront and the hinterlands. Here at the south end of Lake Michigan, the water temperature rises above 60° F. during the latter part of June and stays above that point until late September. The combination of water warm enough for swimming and the wide clean beaches provide ideal conditions for the sun-bather, the swimmer, and the beachcomber. Also, the combination of wooded dunes and sheltered marshes in the inland areas afford ample opportunity for scenic solitude, nature study, and appreciation of outdoor living.

Today, there are about 6½ million people living within a 50-mile radius of the Indiana Dunes. Another 3 million live within the 50- to 100-mile radial zone. Existing recreational facilities are inadequate to meet the present outdoor recreational demands of these people. By 1980, it is estimated that population figures within a 50-mile radius of this area could reach 8 million, with another 3½ million residing in the 50- to 100-mile radial zone. By that time or possibly sooner, annual visitation to the proposed lakeshore is expected to reach 2 million.

The value of the property within the proposed boundary is approximately \$23 million. However, the acquisition cost will be less than this valuation because, as provided in the bill, residential improved property would continue exempt from acquisition by condemnation if approved zoning is in effect. Also, the Secretary may permit the continuance of commercial or industrial uses that are not incompatible with the purposes of the lakeshore. We have no way of foretelling the amount or value of the properties that will be exempt from acquisition under these circumstances. The above valuation estimate of properties within the lakeshore does not include the State park nor the value of any easements or other interests that may have to be acquired to assure public access to portions of the beach and waters of Lake Michigan.

The man-years and cost-data statement required by the act of July 25, 1956 (70 Stat. 652; 5 U.S.C. 642a), when annual expenditures of appropriated funds exceed \$1 million, is enclosed.

The Bureau of the Budget has advised that the enactment of the proposed legislation would be in accord with the program of the President.

Sincerely yours,

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

Estimated additional man-years of civilian employment and expenditure for the 1st 5 years of proposed new or expanded programs

Estimated additional man-years of civilian employment	19CY	19CY+1	19CY+2	19CY+3	19CY+4
Executive direction:					
Superintendent.....	1.0	1	1	1	1
Acquisition project manager.....	1.0	1	1	1	1
Administrative assistant.....	.5	1	1	1	1
Stenographer.....	1.0	1	1	1	1
Clerical.....	.5	1	2	2	1
Total.....	4.0	5	6	6	5
Substantive:					
Chief ranger.....	.5	1	1	1	1
Supervisory ranger.....		1	2	2	2
Ranger.....	.5	1	2	3	4
Ranger (seasonal).....		4	6	8	10
Life guards (seasonal).....	4	8	10	10	18
Naturalist.....	.5	1	1	1	1
Naturalists (seasonal).....		.5	.5	1	1
Stenographic and clerical.....	.5	1	2	2	2
Engineer.....	.5	1	1	1	1
Stenographer.....	.5	1	1	1	1
Maintenance supervisor.....		1	1	1	1
Foreman.....		2	2	2	2
Maintenance man.....		2	3	4	4
Laborers (seasonal).....		1	2	4	6
Total.....	7	25.5	34.5	41	54
Total, estimated additional man-years of civilian employment.....	11	30.5	40.5	47	59
Estimated additional expenditures:					
Personal services.....	\$67,850	\$171,050	\$222,720	\$259,290	\$339,900
All others.....	2,511,976	4,125,117	5,563,045	6,076,434	5,597,037
Total.....	2,579,826	4,296,167	5,785,765	6,335,724	5,936,937
Estimated obligations:					
Land and property acquisition.....	5,000,000	5,000,000	4,000,000	3,000,000	2,037,600
Development.....		75,000	2,731,000	1,957,000	1,004,260
Operation (management protection and maintenance).....	79,826	221,167	285,765	335,724	436,937
Total.....	5,079,826	5,296,167	7,016,765	6,292,724	3,441,197

Mr. DOUGLAS subsequently said: Mr. President, an event of great importance in the conservation movement occurred today when the distinguished junior Senator from Washington [Mr. JACKSON] introduced, on behalf of himself, the Senator from New Mexico [Mr. ANDERSON], and others of us, the administration bill—S. 2249—to establish an 11,700-acre Indiana Dunes National Lakeshore. It is particularly heartening to cooperate in this effort with my two good friends, the distinguished Senators from Indiana [Mr. HARTKE and Mr. BAYH]; and it is also encouraging to have as additional cosponsors of the bill Senators HUMPHREY, GRUENING, MOSS, NEUBERGER, BURDICK, CLARK, DODD, MCCARTHY, MCGOVERN, NELSON, PROXMIER, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of Ohio. These Senators are cosponsors of S. 650, the bill I introduced on February 4 of this year to create a 9,000-acre Indiana Dunes National Lakeshore. Some of these present cosponsors were supporters of similar bills which I introduced in the 85th, 86th, and 87th Congresses and it should be particularly noted that the Senator from Alaska [Mr. GRUENING], and the Senator from Utah [Mr. MOSS] introduced one of the first bills to rescue a portion of the Indiana Dunes, in the 86th Congress. Many bills to save the Indiana Dunes have been introduced in the House of Representatives since the 85th Congress when Congressman SAYLOR of Pennsylvania, and Congressman O'HARA of Illinois introduced the first Indiana Dunes National Monument bills in that body. The continued interest in rescuing the beautiful and ir-

replaceable dunes on the part of many Members of Congress may at last bear fruit in this administration-endorsed bill now being introduced by the Senator from Washington [Mr. JACKSON].

The bill will lie on the table for a week, and we heartily invite other Senators to become cosponsors. All Senators will be sponsors on equal terms. There will be no last nor first.

Mr. President, it is well known by now that the present bill to save the dunes is an administration bill which comes as part of a compromise decision of the Bureau of the Budget to permit the Burns Ditch Harbor report of the Corps of Engineers to come forward to the Congress, with certain conditions attached, and which pledges administration support for a national park in the Indiana Dunes. The unfortunate and disheartening part of the administration's decision is to except from the proposed park the central section of the dunes, which we have called unit 2 in previous dunes bills. This section was, and parts of it still are, the most beautiful and scientifically most valuable portion of the Indiana Dunes. While it is true that the Bethlehem Steel Co. has destroyed a large part of unit 2, about 700 acres of unspoiled shoreline dunes and beaches remain. It is a blow to have support for saving this section abandoned, as it is to have industrialization in the midst of the dunes encouraged. Nevertheless, we now have an opportunity to establish a fine park and to preserve many acres of priceless natural treasure. We should not fail to take advantage of it.

A recent editorial in the Washington Post described the administration compromise on the dunes as deserving "not three, not two, but one cheer." I would say it is worth a cheer and a half, Mr. President, possibly even two, and in my remarks today, I shall refer only to the cheerworthy part of the administration decision.

I can say with certainty that while our fight to save the dunes has not yet resulted in congressional approval of a national park, it has alerted the Congress and the Nation to the values of the dunes and the urgent need for rescuing them from further destruction. I first appealed to the Senate to rescue the central portions of the dunes from imminent industrialization on May 26, 1958. I did this at the request of the Save the Dunes Council, a group primarily of Indiana citizens formed in 1952, and only after the then senior Senator from Indiana rejected my plea that he lead the effort in Congress to save the Midwest's most priceless heritage of nature.

I mention that history so that no one will think that I injected myself without giving the then Senators from Indiana the opportunity to lead the fight.

Our effort to save the dunes through congressional action was opposed by increased demands for industrialization, but we were joined by many of the country's great newspapers. I wish particularly to thank the New York Times, the Washington Post, the Louisville Courier-Journal, the Milwaukee Journal, Chicago's American, the St. Louis Post Dispatch, and the Christian Science Monitor.

I also wish to thank a score and more Members of Congress, hundreds of thousands of citizens, and nearly every national conservation organization. Among the conservation organizations which have given full support to the establishment of a national park in the dunes are the National Parks Association, the Garden Clubs of America, the Izaak Walton League, the Wildlife Management Institute, the Sport Fishing Institute, the National Wildlife Federation, the Nature Conservancy, the National Council of State Garden Clubs, the Wilderness Society, the Sierra Club, the Citizens Committee for Natural Resources, the American Planning and Civic Association, and many others. The help from all these sources has been extremely important.

The Jackson bill will provide for an 11,700-acre park located mainly to the east of the beautiful area which was designated unit 2 in S. 650. The main body of the park will run from the Northern Indiana Public Service Co. boundary east to Michigan City, including a little over a half mile of lakefront in LaPorte County. This area will be bounded on the south by the Chicago, South Shore & South Bend Railroad, and will except the highly developed portions of Dune Acres and Beverly Shores and also the residential development at the southwest tip of the State park.

Then, immediately south of Dune Acres, State park, and Beverly Shores areas and the Chicago, South Shore &

South Bend Railroad, there would be an additional park unit running from near Meadowbrook to a point directly south of Beverly Shores. The park would also include the undeveloped lakeshore area between Gary and Ogden Dunes, bounded on the south by the New York Central tracks, plus the natural area immediately south and across the railroad tracks from this unit and Ogden Dunes. In addition, there would be preserved as part of the park five small units of nature areas including sections surrounding Mud Lake, Morgan, and Billington Lakes and a stretch of the Little Calumet River 5 miles south of Beverly Shores.

Since news of the bill was first made public, we have had offers from several private property holders in the area who, in a very public spirited manner, have offered to dispose of their land to the Federal Government for purposes of the proposed park. While it was impossible to redraft the bill to take account of their very fine offers, that can be done by amendments in the committee.

The National Park Service recommendations foresee the following types of park usage for these areas: Intensive beach use would be made of the area between Gary and Ogden Dunes and the area east of the Beverly Shores residential development. The sections south of Ogden Dunes and Dune Acres, and the smaller parcels inland, would be preserved as natural areas with nature study preserves and nature trails. The unit south of the railroad and the Dune Acres State park section would be used as a nature center with associated day camps, youth camps, and picnic sites to the west, and with camping grounds and the park headquarters to the east.

The rights of property owners will be liberally protected in the administration bill by what has come to be called the Cape Cod formula, just as was provided in S. 650. This formula permits owners of improved—that is, having a house or cottage on it—residential property which falls within the park to retain the right of use and occupancy of the improved property for noncommercial residential purposes for as long as he or his heirs desire, providing the use is consistent with park purposes and the zoning regulations established by the Secretary of the Interior. Or, if an owner wishes, he may sell his improved property to the Government outright, or sell and retain the right of use and occupancy for noncommercial residential purposes for a term of 25 years or less, as he wishes. Improved residential property owners will have full retention and use of their improved property, and in addition, will have it protected from further encroachment by commercial, industrial, or residential development.

It is important to note that while the bill will propose that the Indiana Dunes State Park be made a part of the National Lakeshore, this will be entirely voluntary under the Cape Cod formula. If the State of Indiana prefers to keep an independent State park, then agreements will be negotiated between the State and the National Park Service to provide for cooperative and complemen-

tary development and administration of the entire area.

We shall seek also in this bill to provide for adequate and strong protection against the pollution of the air and water.

I believe that many of the difficulties which have held up the passage of this bill during the past 5½ years are now on the way to being removed. I hope very much that the Senate Interior and Insular Affairs Committee will speedily hold hearings on this bill, that it will be passed through the Senate this year, and that there will be action by the House next year.

Mr. President, I ask unanimous consent that a statement which I have prepared on this matter, which discusses the details of the administration's compromise proposal, may be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. Mr. President, I also ask unanimous consent that two letters, with enclosures, from the Bureau of the Budget to the Secretary of the Army under date of September 24, 1963, also be printed in the Record at the conclusion of my remarks. The first letter is the report of the administration compromise plan; the second deals with the crucial matter of control of air and water pollution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 2.)

Mr. DOUGLAS. Mr. President, earlier in the day a memorandum addressed to the President from the Assistant Secretary of the Interior, John A. Carver, Jr., together with the text of the bill, was printed in the Record on request of the junior Senator from Washington [Mr. JACKSON]. Senators will want to refer to this document for the details of the administration's recommendation for enactment of the Indiana Dunes National Lakeshore bill.

EXHIBIT 1

RECENT DEVELOPMENTS AFFECTING THE INDIANA DUNES

(Statement by Senator PAUL H. DOUGLAS)

I want to thank the conservation groups, various other organizations, many newspapers, and the thousands of individuals in this country and abroad for the effort we have all been making to save the beautiful Indiana Dunes from destruction. On September 24, as you probably know, the Bureau of the Budget released a letter on behalf of the national administration which makes a most important decision on that vital matter.

While the Bureau of the Budget letter fails to protect and rescue the beautiful central section of the Indiana Dunes, which we have called unit 2 in the bill to establish a national dunes park, it does pledge administration support for the creation of an 11,700-acre Indiana Dunes National Lakeshore to be located mainly to the east of the unit 2 section. It is indeed disheartening to think that the most beautiful and scientifically most valuable portion of the dunes is to be left to the bulldozer and the steel mills, but I believe that we must not fail to take full advantage of the chance which is now offered to establish a national dunes park

that will preserve much of the remaining unspoiled dunes area. I therefore want to give you a full report on what has occurred so that you will understand our opportunity, as well as our loss, and I hope you will give continued support for the new park bill which will be introduced in the Senate soon.

In essence, the Bureau of the Budget letter of September 24 permits the Corps of Engineers report on Burns Ditch Harbor to go forward for congressional action without administration objection. But the Bureau also ordered that certain conditions bearing on the economic feasibility or justification of the proposed harbor must be met before Federal funds are requested for it. In my opinion, on the basis of my year and a half study of the Corps of Engineers report, there can never be a Federal harbor at the Burns Ditch site if the conditions laid down by the administration are enforced because those conditions never can be met. I want to discuss this matter more fully with you in a moment, but first let me give you a brief historical sketch of the developments over the last few years.

I. THE STRUGGLE TO SAVE THE DUNES

Probably few who see this statement will need to be told about the beauty and recreational and scientific values of the Indiana Dunes, nor of the urgency of our fight to save them. Carl Sandburg has written that the Indiana Dunes "are to the Midwest what the Grand Canyon is to Arizona and Yosemite is to California." A little more than a half century ago the Indiana Dunes ran unspoiled along the southern tip of Lake Michigan from Chicago on the west to Michigan City on the east. This remarkable area of beautiful beaches, "living" dunes, wooded areas, and lowlands became known over the world as one of nature's great wonders. Scientists from many countries came and still come to study in the Great Dunes Laboratory of Botany and Ecology, the science of the relationship of plants and animal life to their environment. Forty-five years ago, this entire area could have been preserved for the people at a cost of only a few million dollars. But the World War, the irresponsibility of the 1920's, the depression, and the Second World War shunted aside the dream of a national park in the Indiana Dunes. Gradually, industry and residential subdivisions pushed in on the dunes so that by 1950 less than about 12 miles of shoreline areas remained unspoiled. In the early 1950's the land speculators and the industrializers began to move in on the dunes in full force. By 1960, Midwest Steel Co. had erected a finishing mill east of Ogden Dunes and Bethlehem Steel had acquired several thousand acres of dunes land between Midwest and the new Northern Indiana Public Service Co. powerplant. An alarmed group of courageous and thoughtful people formed the Save the Dunes Council in 1952. This group began as a small organization of northern Indiana citizens, but soon grew to have national support and membership.

In 1958, the Save the Dunes Council approached me and asked if I would lead an effort in the Congress to save the remaining unspoiled areas of the Indiana Dunes in a national park. After the then senior Senator from Indiana rejected my plea that he lead the effort in Congress to rescue the dunes, I agreed to help the Save the Dunes Council. I then introduced a bill to establish an Indiana Dunes National Monument, which in later Congresses I enlarged to provide for a 9,000-acre Indiana Dunes National Lakeshore.

II. THE BATTLE OF BURNS DITCH HARBOR

At the same time, the forces seeking to industrialize the dunes area were pushing their plans for a federally financed harbor to be located in the midst of the Indiana Dunes between Gary and the town of Dune Acres.

They hoped that such a harbor would lead to the complete industrialization of the dunes and increase land values. This proposal came to be known as the Burns Ditch Harbor after the small drainage and small-boat stream located near the proposed harbor site. In October 1960, the port promoters succeeded in getting the local office of the Corps of Army Engineers to issue a report recommending that a Burns Ditch Harbor be constructed and stating that such a harbor would be economically justified. The criticisms which the Save the Dunes Council and I made of this Corps of Engineers' report, along with the firm support we received from public spirited newspapers and citizens, forced the Corps of Engineers to call a public hearing on the harbor proposal and withdraw that report. Despite the strong plea which we made for preservation of the irreplaceable dunes and the evidence we presented to show that there was little or no economic justification for building a fifth harbor for Indiana in the dunes, the corps issued a second report in February 1962, again favoring a harbor and alleging that it would be economically feasible.

The new report recommended that the Federal Government spend \$25 million to construct an outer breakwater, on the promise that the State of Indiana and local interests would spend about \$43 million for the necessary shore connections and public terminal facilities. It is interesting to note that while the 1960 report claimed a benefit-to-cost ratio—that is, the amount of benefits in dollars to be derived from the public harbor for each dollar of investment to build it—of nearly 6 to 1, the 1962 report reduced this ratio to about 1.5 to 1. This new report was released to the public only 2 days before the hearings were held by the Public Lands Subcommittee of the Senate on the bill I and six other Senators introduced in the 87th Congress to create the Indiana Dunes National Lakeshore.

Despite our request for a reasonable period in which to study the allegations of economic feasibility for the port which the Corps made, and for a further public hearing, the Board for Rivers and Harbors of the Corps of Army Engineers approved the district engineer's report and recommendations only a month later, without public hearings, without providing us with the evidence on which the district engineer allegedly based his conclusions, and without considering the objections and evidence which we presented to the Board. At the next step in the consideration of a Federal harbor project, namely, approval by the Chief of Army Engineers, we were again denied a hearing and consideration of our arguments. Over our protests and requests for fair procedure, the proposal was sent forward to the Bureau of the Budget which has the responsibility of coordinating the program of the President and in public works matters of clearing proposals on behalf of the President for submission to the Congress.

III. APPEAL TO WHITE HOUSE BRINGS ORDER FOR BUDGET BUREAU REVIEW OF BURNS DITCH HARBOR

I then appealed to the Bureau of the Budget and directly to President Kennedy himself to give us a hearing on our plea to save the beautiful Indiana Dunes. I pointed out that the President, himself, had recommended to the Congress in his March 1961, conservation message that there be established in northern Indiana a national lakeshore area in the Indiana Dunes. Appeals were also made to the President by the Save the Dunes Council, conservationists, important newspapers, and thousands of citizens asking that the Indiana dunes be saved.

The report of the Rockefeller Commission on Outdoor Recreation had only recently pointed out that the most pressing need in America is for the preservation and creation of recreation areas close to where the people

are. The Indiana Dunes, only an hour's travel from the center of a densely populated area of 7½ million people, was the best example of what the Rockefeller Commission was talking about. Here was an opportunity to save a beautiful and scientifically valuable area close to where the people are. When the administration indicated that the support of Indiana interests, including Governor Welsh of Indiana and members of the congressional delegation, prevented an outright rejection of the harbor proposals, we insisted that the Bureau of the Budget certainly could not let the harbor proposal go forward to the Congress without a thorough study of the economic issues involved. After some false starts and several anxious days at the conclusion of the 87th Congress, when it looked temporarily as if the harbor report would go forward, the Bureau of the Budget began to carefully study the objections which I and others had to the harbor proposal.

IV. SAVE THE DUNES COUNCIL ENGINEERING COMMITTEE EFFECTIVELY CHALLENGES CORPS' FIGURES ON HARBOR

During the past year the engineering committee of the Save the Dunes Council, consisting of a few extremely competent and dedicated men who volunteered their services during their off-work hours, made an extraordinary and intensive study of the Corps of Engineers' recommendations. They discovered numerous errors of fact and argument and with their very fine help I was able to put this evidence before the Bureau of the Budget and in many cases to secure a revision of the corps' estimates.

I cannot go into these matters in detail here, but what we found was that the evidence contradicted the port promoters' claims of real public benefit from the proposed harbor. For example, we found that the corps' estimates of traffic through the harbor of coal, grain, and general cargo were excessive and that the volume of traffic, in fact, would be so slight as not to justify the expenditure of Federal funds for a harbor. We also found errors in the calculations made of supposed savings to shippers due to alleged reductions in shipping times and in tug and vessel delay costs. Most of our objections were recognized by the Bureau of the Budget in their letter of September 24, 1963. We also showed conclusively that the State of Indiana, which under their constitution would have to issue revenue bonds to pay for the \$39 million cost of public terminal facilities, could not sell such revenue bonds because the expected revenue from the public terminal would be insufficient to pay for the retirement of the bonds.

I believe that the evidence we presented to the Bureau of the Budget showed conclusively that local commitments could not be met, that traffic in coal, grain, and general cargo would be insufficient to support the port, and generally that this harbor is not economically justified. Moreover, we pointed out again and again that the primary justification for the harbor was the alleged use to be made of it by the two steel companies which the port promoters said would someday build basic or integrated mills in the dunes. However, we pointed out that neither of the two steel companies would commit itself to whether it would definitely build an integrated mill or when such construction would ever begin.

While we were able to question successfully much of the alleged evidence in support of the economic justification for the harbor, the crucial problem remained the same with respect to the action to be taken by the Bureau of the Budget. The supporters of the national park in the Indiana Dunes asked that the proposed harbor report be rejected by the Bureau of the Budget on the grounds that its economic justification could not be shown. On the other hand, some officials argued that the traditional policy of the Bureau of the Budget has been to permit

harbor proposals to go forward to the Congress for authorization, but with conditions attached which must be met before any Federal funds could be expended on the project. I pleaded that the fate of the Indiana Dunes was at stake and that, therefore, the administration should not follow such a policy. Nevertheless, the Bureau of the Budget and the White House felt, wrongly in my judgment, that this policy must be followed. The effect of our evidence on the question of economic feasibility was, therefore, to force the Corps of Engineers to rewrite their report and to cause the Bureau of the Budget to impose stringent conditions on the harbor proposal.

V. UNLIKELY THAT BUDGET BUREAU'S CONDITIONS ON HARBOR CAN BE MET

In its comment on the harbor question, the Bureau of the Budget in its letter of September 24 says in part that no Federal funds may be used for the construction of a Burns Ditch Harbor unless:

(1) Both National and Bethlehem Steel give firm commitments to build integrated steel mills with a large volume of production and there is conclusive evidence that at least 5 million tons of independent coal will be shipped out of the harbor each year; or

(2) One steel company commits itself to build an integrated plant and it is proved that 10 million tons of nonsteel commodities annually would be transshipped out of the Burns Ditch Harbor. In either case, the Bureau said, the alleged benefit-to-cost ratio would be well below 1.3 to 1.

I believe that these requirements, as well as other requirements contained in the Bureau's letter, can never be met and hence that there will never be a Federal harbor in the dunes if the requirements are enforced. The steel companies, of course, as we have pointed out all along, still refuse to give commitments that they will build integrated mills. In addition, it is highly doubtful that coal traffic could ever approach the required volumes. We pointed out and the Bureau admits that the corps failed to take into account several important factors affecting the future coal traffic in the Chicago area. In fact, the Bureau ordered in its letter that there must be an interagency study of the coal question conducted by the Secretary of the Army, the Department of Commerce, the Federal Power Commission, and the Atomic Energy Commission, prior to any appropriations being requested for a Burns Ditch Harbor.

Moreover, the Corps of Engineers claim of coal benefits at Burns Ditch Harbor failed to take account of these very important factors: (1) Nearly all the coal which is transshipped out of the Chicago area is presently handled in the Calumet Harbor by the Rail-to-Water, Inc., facilities at 95th Street and the Calumet River; (2) this facility is owned by the railroads which ship the coal to the Chicago area for transshipment; (3) this facility will not move to Burns Ditch Harbor, which one railroad will monopolize, except on the payment of a huge bonus which the Indiana Port Commission cannot possibly afford to pay it; (4) Rail-to-Water, Inc., has a capacity of 15 million tons per year, which is three times the present movement of coal from rail to lake vessel in the Chicago area and twice the likely maximum future volume of coal traffic; and (5) the Monon Railroad has already received Interstate Commerce Commission approval for its plans greatly to increase its capacity at Michigan City for transferring coal from rail to water. The Monon Railroad, of course, is the main railroad serving the southern Indiana coal producers.

In addition to the conditions concerning integrated steel mills and coal traffic, the Bureau of the Budget letter set up a number of other conditions which would have to be met before appropriations are made. It will

also be very difficult to meet many of these conditions. They include:

(1) The local interests must, prior to expenditure of Federal funds for construction, furnish assurances satisfactory to the Secretary of the Army that the items of local cooperation recommended by the Chief of Engineers will be complied with. These items of local cooperation include: Providing the land and rights-of-way for the harbor; assuming all responsibility for damage due to the construction and maintenance of the project, including damages for any shore erosion; reimbursing the U.S. Government for all excess cost for dredging should this work be done by other than hydraulic methods; providing and maintaining at local expense adequate public terminal and transfer facilities open to all on equal terms; providing and maintaining without cost to the U.S. Government depths in berthing areas and local access channels serving the terminals commensurate with the depths provided in the related project areas; and constructing adequate east and west shore connections having lengths of 1,320 feet and 2,500 feet, respectively.

The cost of meeting these requirements, of course, affects the ability of the port commission to secure sufficient revenues from the port to retire the revenue bonds which must be sold to pay for the public terminal facilities. When all these costs are taken into account, serious doubt is cast upon the ability of the port commission to sell these bonds.

(2) In addition to the above requirements which were recommended by the Chief of Engineers, the Bureau of the Budget requires also that before there can be expenditures of funds for construction there must be assurances that:

(a) "Arrangements and schedules for providing public terminals and transfer facilities are adequate to support the traffic on which project benefits are based and such facilities will be financed on a self-liquidating basis."

(b) "Water and air pollution sources will be controlled to the maximum extent feasible in order to minimize any adverse effects on public recreational areas in the general vicinity of the harbor." I shall discuss this condition in more detail in a moment.

(c) "There will be construction of two integrated steel mills on a schedule generally consistent with the completion of the harbor—or of one integrated steel mill if a detailed study by the Chief of Engineers of traffic related to the other mill, and to other transshipped commodities, clearly supports economic justification of the project. The study should be supplemented by an appraisal in collaboration with other interested Federal agencies of prospective coal shipments to the proposed harbor with appropriate consideration of other possible alternative modes of coal movement such as barge-to-lake vessel transshipment." This means that the Corps of Engineers alleged evidence on future coal movement in the Chicago area was successfully challenged by the Save the Dunes Council engineers with the result that the Bureau has ordered a new coal study.

In its letter, the Bureau says that while some growth of coal consumption in the Great Lakes area will take place, an assumption of the magnitude of that made by the Corps of Engineers "should be based upon further study by all the Federal agencies concerned." The report goes on: "For example, recent technological developments in rail transportation and electrical generation and transmission do not appear to have been fully considered in the division engineer's coal projection. In addition, we believe that more recent information with respect to the possibility of nuclear power generation in the area should be given further consideration."

Further, the Bureau concludes its letter by noting: "Subject to these understandings, you are advised that there would be no objection to the submission of the report to the Congress. No commitment, however, can be made at this time as to when any estimate of appropriation would be submitted for construction of the project, if authorized by the Congress, since this would be governed by the President's budgetary objectives as determined by the then prevailing fiscal situation."

Thus it is clear from the Bureau of the Budget's letter that the administration's approval of a Burns Ditch Harbor is subject to many conditions, which the port promoters will have great difficulty in meeting. For my part, I shall continue to point out the evidence which shows that the Burns Ditch Harbor is not economically justified. I shall also continue my appeal that industrialization in this area not be encouraged by the construction of a Federal harbor, particularly not by a harbor which is unsound economically, because we must preserve every possible inch of the Indiana Dunes for the generations to come. I shall present this evidence before the committees of the House and the Senate.

I would like to make it clear again, however, that I do not oppose Indiana having another harbor on Lake Michigan if it can be shown that it is economically justified. Four harbors already exist in Indiana along its short shoreline, two public and two private. Moreover, the Corps of Engineers is now in its second year of studying the proposed Tri-City Harbor which would be located in Lake County, in Indiana, near the cities of Whiting, Gary, and East Chicago. On the basis of present evidence I believe that the Tri-City Harbor proposal is much more justified than a Burns Ditch Harbor, and it would have the great advantage of confining further industrialization largely to the already industrialized Lake County.

VI. ADMINISTRATION RECOMMENDS 11,700-ACRE DUNES PARK

While it is a disheartening experience to have lost support for the preservation of the beautiful unit 2 area, the new decision of the administration does provide us with "half a loaf" for which we can be grateful and of which we must take full advantage.

The administration has now given its pledge of support for an 11,700-acre Indiana Dunes National Lakeshore. This proposal excepts the unit 2 area, but if we are to be realistic we must push for enactment of the recommended park bill. We can do this in the hope that, if no Federal harbor is built at Burns Ditch and if Bethlehem Steel refrains from maliciously destroying the remaining unspoiled areas along the lake in unit 2, we might, once a park is established, amend the act to provide for inclusion in the park of whatever remains of value in unit 2.

Within a few days I expect to cosponsor in the Senate, along with the chairman and senior member of the Interior Committee and the two Senators from Indiana, the new Indiana Dunes National Lakeshore bill recommended by the administration. I am confident that we will be joined in sponsorship of this legislation by many members of the Senate Public Lands Subcommittee, by the cosponsors of the bill, S. 650, which I introduced earlier this year, and by other Senators as well. We will make every effort to secure immediate hearings by the Public Lands Subcommittee and action in the Senate as soon as possible. At the same time, I shall confer with leaders of the House of Representatives, including Congressman JOHN P. SAYLOR of Pennsylvania, the ranking Republican member of the House Interior Committee who introduced a companion bill to S. 650 earlier this year, in an effort to secure House action on the new administration bill.

The recommendations of the Bureau of the Budget with respect to the proposed national lakeshore in the Indiana Dunes deserve particular notice. In its letter the Bureau notes that the President endorsed the objective of establishing a national lakeshore in the dunes in his conservation message and that the administration supported congressional action to this end in comments on my bill which was considered by the Senate Subcommittee in the 87th Congress. The Bureau also notes that it has been particularly concerned in the last year with the preservation of unit 2, but that much of this area has recently been destroyed by the Bethlehem Steel Co. and leveled as a site for a finishing mill, leaving only about 675 acres of the original 2,000 acres in its natural state. The letter goes on to say that the Department of Interior has recently reviewed the remaining dunes area and has recommended an enlarged area which will fully meet the criteria for a national lakeshore. This report will be submitted to Congress very shortly.

The report says further, "It is the President's wish to see a deep draft harbor for Indiana made a reality, while at the same time preserving as much as possible of the priceless heritage of Indiana Dunes for future generations. Early acquisition of these natural areas is essential if they are to be preserved for public use and enjoyment. Accordingly, it would be highly desirable that the Congress give early consideration to both harbor and park proposals in order that appropriate plans for a balanced development of this important area may be made."

I have received assurances from the National Park Service and the White House of their earnestness about getting this park established. I shall do my best to secure the full assistance of the Secretary of the Interior and the President in promoting the park bill in the Congress.

VII. NEW PARK BILL WILL LET DUNES RESIDENTS RETAIN OR SELL THEIR IMPROVED PROPERTY

The administration bill to create the Indiana Dunes National Lakeshore tentatively will provide for an 11,700-acre park located mainly to the east of the beautiful area which was designated unit 2 in S. 650. National Park Service is recommending that the main body of the park run from Northern Indiana Public Service Co. (NipSCO) boundary east to Michigan City including a little over a half mile of lakefront in LaPorte County. This area will be bounded on the south by the Chicago, South Shore, and South Bend Railroad, and will except the highly developed portions of Dune Acres and Beverly Shores and also the residential development at the southwest tip of the State park.

Then, immediately south of Dune Acres, State park, and Beverly Shores areas and the C.S.S. & S.B. Railroad, there would be an additional park unit running from near Meadowbrook to a point directly south of Beverly Shores. The park would also include the undeveloped lakeshore area between Gary and Ogden Dunes, bounded on the south by the New York Central tracks, plus the natural area immediately south and across the railroad tracks from this unit and Ogden Dunes. In addition, there would be preserved as part of the park five small units of nature areas including sections surrounding Mud Lake, Morgan, and Billington Lakes and a stretch of the Little Calumet River 5 miles south of Beverly Shores.

The National Park Service recommendations foresee the following types of park usage for these areas. Intensive beach use would be made of the area between Gary and Ogden Dunes and the area east of the Beverly Shores residential development. The sections south of Ogden Dunes and Dune Acres, and the smaller parcels inland, would be preserved as natural areas with nature

study preserves and nature trails. The unit south of the railroad and the Dune Acres-State park section would be used as a nature center with associated day camps, youth camps, and picnic sites to the west and with camping grounds and the park headquarters to the east.

The rights of property owners will be liberally protected in the administration bill by what has come to be called the "Cape Cod formula," just as was provided in S. 650. This formula permits owners of improved (i.e., having a house or cottage on it) residential property which falls within the park to retain the right of use and occupancy of the improved property for noncommercial residential purposes for as long as he or his heirs desire, providing the use is consistent with park purposes and the zoning regulations established by the Secretary of the Interior. Or, if an owner wishes, he may sell his improved property to the Government outright, or sell and retain the right of use and occupancy for noncommercial residential purposes for a term of 25 years or less, as he wishes. Improved residential property owners will have full retention and use of their improved property, and in addition, will have it protected from further encroachment by commercial, industrial or residential development.

It is important to note that while the bill will propose that the Indiana Dunes State Park be made a part of the national lakeshore, this will be entirely voluntary under the Cape Cod formula. If the State of Indiana prefers to keep an independent State park, then agreements will be negotiated between the State and the National Park Service to provide for cooperative and complementary development and administration of the entire area.

VIII. STRONG PROTECTION AGAINST AIR AND WATER POLLUTION NECESSARY

Of course, one of the major problems affecting this compromise proposal is the possibility that pollution from the industrialized areas in the dunes will destroy the recreational values of the national park. The danger of such pollution was one of the most important reasons for our plea that there should be no Burns Ditch Harbor and no encouragement whatsoever of industrialization in the Dunes. Nevertheless, we are faced with the decision to permit industrialization in the unit 2 area and so we must do all that is possible to see that the pollution will be controlled. I discussed this matter at length with the representatives of the Bureau of the Budget and the White House, and they agree that strong action must be taken against pollution. In their letter, the Bureau states:

"Successful functioning of the proposed park areas for public recreation use is closely related, of course, to possible adverse effects of water and air pollution that might result from present and future industrialization in the vicinity of the proposed harbor site. The Public Health Service, in a special report dated June 19, 1962 to the Corps of Engineers and by letter of August 8, 1962, to the Bureau of the Budget, has indicated that potential water and air pollution from existing and ultimate development in the harbor area, if adequately controlled, should not seriously interfere with public recreational use of the present and proposed dune park area to the east. We are informed that the Indiana Stream Pollution Board has adequate legislative authority to require abatement of existing and potential water pollution sources. We have also been advised that the town of Portage and Porter County have zoning regulations relating to air pollution, and that the State of Indiana has enacted an air pollution control law which provides a legal basis for effective air pollution control, including authority for the State to intervene if local agencies do not enforce their ordinances. Given adequate enforce-

ment of controls on water and air pollution emanating from sources in the Burns Ditch area—assurances of which we believe should be made prerequisite to construction of the Burns Waterway project—it would appear that adverse effects of the proposed harbor development and related port complex on present and prospective recreational uses in the area would not be substantial."

I believe that we must seek full assurance that there will be adequate control of air and water pollution in the area. Legislation now pending in the Congress may give us satisfactory protection, but if not, then we may have to consider including in the dunes lakeshore bill special authority for the Secretary of the Interior to take action in court against pollution offenders. This will be extremely important.

IX. YOUR HELP IS NEEDED

I hope you find this explanation of some help. We have suffered a great loss in the ruthless destruction of unit 2 by Bethlehem Steel, encouraged by the officials of the State of Indiana, and in the abandonment of this area to industrialization by the administration. But we now have an opportunity to save much of the remaining unspoiled area in the dunes. Even though we have promises of administration support, of course, we will not have an easy road in getting the park bill through the Congress. We are going to need the continued active support of the conservation groups, newspapers, and the hundreds of thousands of citizens who love beauty and want to preserve our natural heritage for the people of our crowded Nation of the future. If we delay, the dunes destroyers will move into the other areas which are now marked for rescue. If we delay long, there will be no dunes left to save. I hope you will continue to help us.

PAUL H. DOUGLAS,
U.S. Senate.

EXHIBIT 2

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., September 24, 1961.

HON. CYRUS R. VANCE,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: The Department of the Army submitted on June 27, 1962, a favorable report of the Chief of Engineers on Burns Waterway Harbor, Ind., in response to resolutions by the Committees on Public Works, U.S. Senate and House of Representatives, adopted May 18, 1956, and June 27, 1956, respectively, and to an earlier resolution of the Committee on Public Works of the House of Representatives, adopted March 15, 1949. Mr. Califano's letter of August 20, 1963, submitted a revised report in substitution therefor.

The Chief of Engineers recommends, subject to certain requirements of local cooperation, construction of a deep-draft harbor near Burns Waterway consisting of protective breakwaters with shore connections, approach and entrance channels, and an outer harbor area of 225 acres.

Based on November 1961 price levels, the Federal cost for construction is estimated at about \$25 million and annual maintenance at about \$100,000. The benefit-cost ratio, based on a 50-year period of analysis, is stated to be 1.65.

The report of the Chief of Engineers stipulates that, prior to construction, local interests agree to meet certain stated conditions of cooperation. These conditions include construction of one fully integrated steel mill, construction of east and west shore connections to the proposed Federal breakwaters at an estimated cost of \$4.5 million, and provision and maintenance at local expense of adequate public terminal and transfer facilities open to all on equal terms.

Review of this project report by the Bureau of the Budget has been delayed by two factors. First, it has been necessary to examine in detail the estimated benefits and costs used by the Corps of Engineers in its initial report in determining the project's economic justification. Second, we have desired to give every consideration to the possibility of locating the project in such a manner as to preserve the maximum area possible for a national lakeshore dunes area, in accord with the President's stated objective in his message to the Congress of March 1, 1962.

In an effort to preserve a larger area for a national lakeshore dunes park, consideration has been given to alternative proposals developed by the Lake Michigan Regional Planning Council and the Save the Dunes Council which would place the harbor inland and westward from the location proposed by the Corps of Engineers. The Department of the Army has analyzed these proposals and has pointed out the greater cost and lesser operating efficiency of the alternative harbors and the fact that they have been rejected both by the Indiana Port Commission, the local sponsor for the harbor, and the two steel companies concerned. Therefore, the Department has informally concluded that the alternative harbors could not be recommended. The Bureau of the Budget concurs in this conclusion.

ANALYSIS OF REVISED REPORT

The Chief of Engineers, in his revised report, has undertaken a detailed review of the project justification, taking into account a number of questions which had been raised with respect to the economic feasibility of the original project proposal. As a result, the revised report has reduced certain estimated project benefits. These reductions, assuming one integrated steel mill and annual shipments of 5 million tons of coal through the harbor, would reduce the project benefit-cost ratio from 1.52 to 1.03. The revised report assumes two integrated steel mills and an average annual shipment of coal through the harbor of 10 million tons. As a result the benefit-cost ratio in the revised report is estimated at 1.65.

The Bureau of the Budget has carefully reviewed the revised report. Our conclusions are as follows:

1. Aside from the assumptions with respect to the construction of two integrated steel mills and the volume of coal shipments from the Burns Ditch Harbor, the Bureau of the Budget believes that the net saving in vessel movement time for coal, grain, and general cargo used by the Corps of Engineers is excessive, based upon a full review of information provided by the Great Lakes Towing Co. subsequent to completion of the Chief of Engineers revised report. In addition, this information indicates that the number of tugs currently necessary for vessels equipped with bow thrusters is fewer than assumed by the Corps of Engineers. We also believe that the cost of bow-thruster equipment should not be specifically assessed against the cost of operating in the Calumet River, but should be regarded as part of the total operating cost of the vessels on which such equipment is installed—as would normally be the case with any other vessel improvement. Finally, we believe a minor additional reduction in benefits should be made to take into account the lower operating cost of foreign vessels utilizing the port.

2. The revised report of the Chief of Engineers assumes the need for a harbor adequate to provide for the requirements of two integrated steel mills with the result that the assumed benefits due to the construction of a public harbor are increased from \$10 to \$17 million. It is our understanding that both companies, the National Steel Corp. and the Bethlehem Steel Co., have stated their intention to add basic steel-making facilities to the rolling and finishing

mills now in operation or under construction, the timing to be determined in the light of economic and other considerations. The fact that timing of such action must necessarily be indefinite is understandable. However, this consideration is highly important as shipments into the harbor of iron ore, limestone, and coking coal, which constitute the underlying justification for the steel mill benefits claimed, are dependent upon the construction of such steelmaking facilities. We, therefore, believe that explicit arrangements should be made by the Secretary of the Army to obtain more specific assurances prior to submitting an appropriation request to undertake the construction of the harbor based upon these assumptions.

3. The Bureau of the Budget believes that uncertainties exist with respect to forecasting future trends in coal shipments which have been assumed in the revised report of the Chief of Engineers. The upward revision contained in the revised report is based upon a projection of total average annual coal shipments of 24 million tons from ports along the southern shore of Lake Michigan over the next 50 years developed by the division engineer in his 1961 coal traffic analysis. This latter report was developed as a general basis for analyzing various harbor project proposals in the Great Lakes area. It is noted, however, that coal shipments from south Lake Michigan ports, currently about 6 million tons annually, have shown no significant increase since 1957.

While we do not question the fact that considerable growth of coal consumption in the Great Lakes area will take place, particularly for electric power generation requirements, we believe that an assumption of this magnitude of growth should be based upon further study by all of the Federal agencies concerned. For example, recent technological developments in rail transportation and electric generation and transmission do not appear to have been fully considered in the division engineer's coal projection. In addition, we believe that more recent information with respect to the possibilities of nuclear power generation in the area should be given further consideration. Under these circumstances, the Bureau of the Budget believes that the Department of the Army should undertake immediately a review in cooperation with other interested Federal agencies of the estimates contained in the 1961 coal traffic analysis with a view to an early reappraisal of possible coal shipments from southern Lake Michigan ports and a determination of the effect upon the economic justification of the harbor.

The Bureau of the Budget has not questioned the assumption underlying the report that, should the overall volume of shipments be realized, adequate coal transfer facilities would be needed at both Calumet Harbor and Burns Waterway Harbor.

4. The Chief of Engineers' report states that under the standards for project formulation and evaluation approved by the President, it is permissible to use a 100-year period for evaluation, and that the resulting benefit-cost ratio would be increased by about 30 percent. Present standards do provide that the economic evaluation of a project shall encompass the period of time over which the project will serve a useful purpose and an evaluation period of up to 100 years is permissible where appropriate. However, in a project such as this an economic analysis over a period of as much as 100 years becomes exceedingly conjectural because of the difficulty of defining remote future conditions such as projected traffic patterns, trends in vessel development, and transportation technology. Accordingly, if an evaluation period significantly greater than 50 years were to be adopted for this project, we believe it should be based on a

thorough evaluation and fully supported determination of physical and economic usefulness over such a period.

5. In the 1960 report of the district engineer on the Burns Waterway Harbor project, the economic costs of shoreline erosion expected to result to the west of the proposed harbor were included in the economic evaluation of the Federal project. In his 1961 report, on which the report of the Chief of Engineers is based, these effects are not similarly evaluated. The district engineer notes, however, that on January 5, 1961, a permit was issued by the Department of the Army to Midwest Steel Division of National Steel Corp. to construct bulkheads and riparian fill extending 2,500 feet into Lake Michigan. In his judgment, this bulkhead would intercept the littoral drift moving from east to west along the shore of Lake Michigan at that point. His report notes that matters regarding shore erosion due to the riparian fill and its bulkheads concern the shore owners and the permittee, not the United States. Accordingly, he now concludes that any shore erosion which might occur by reason of construction in the Burns Ditch area would be associated with the previously approved riparian fill. As the erosion would not be further aggravated by the proposed Burns Harbor breakwater, no economic cost associated with beach erosion is assessed against the harbor. The Bureau of the Budget believes this treatment to be in accord with normal project evaluation practice.

6. Questions have been raised regarding the ability of the State of Indiana to finance on a self-liquidating basis the transfer and terminal facilities and the other required items of local cooperation. While the Indiana port commission is currently obtaining more definite information on this matter through contract consultants, the Bureau of the Budget would regard the formal assurances that have been given by the Governor of Indiana as adequate for authorization purposes and in keeping with established practice for other projects of this type. We believe, however, that firm assurances on this matter should precede construction of the harbor.

RECOMMENDED LAKESHORE AREA

In recent years, several legislative proposals have been advanced to establish an Indiana dunes national lakeshore to preserve a portion of remaining undeveloped beaches, dunes, and marshes for their high natural scenic, scientific, and recreational values. This objective was endorsed by the President in his message on conservation and supported by this administration in comments on legislation before the 87th Congress. The relationship of such proposals to development of a port and industrial complex associated with the proposed harbor has been a matter of considerable contention. Of particular concern was preservation of one tract of highly desirable duneland lying immediately adjacent to and east of the site of the proposed harbor. Much of this tract recently has been developed by its owner, the Bethlehem Steel Co., as a site for a rolling and finishing mill, leaving only about 675 acres of the original 2,054 acres in its natural state. The company has indicated its intention to use this remaining parcel for further expansion of its facilities.

The Department of the Interior has recently reviewed the remaining areas of Indiana dunes to determine those feasible for incorporation in a lakeshore park. While the tracts immediately adjacent to the harbor site are not proposed for acquisition, an area fully meeting the established criteria for a national lakeshore area has been developed by the Department of the Interior and will be submitted to the Congress shortly.

It is the President's wish to see a deep-draft harbor for Indiana made a reality, while at the same time preserving as much as possible of the priceless heritage of Indiana dunes for future generations. Early acquisition of remaining dunes and natural areas is essential if they are to be preserved for public use and enjoyment. Accordingly, it would be highly desirable that the Congress give early consideration to both harbor and park proposals in order that appropriate plans for a balanced development of this important area may be made.

Successful functioning of the proposed park areas for public recreation use is closely related, of course, to possible adverse effects of water and air pollution that might result from present and future industrialization in the vicinity of the proposed harbor site. The Public Health Service, in a special report dated June 19, 1962, to the Corps of Engineers and by letter of August 8, 1962, to the Bureau of the Budget has indicated that potential water and air pollution from existing and ultimate development in the harbor area, if adequately controlled, should not seriously interfere with public recreational use of the present and proposed dune park area to the east.

We are informed that the Indiana Stream Pollution Board has adequate legislative authority to require abatement of existing and potential water pollution sources. We have also been advised that the town of Portage and Porter County have zoning regulations relating to air pollution, and that the State of Indiana has enacted an air pollution control law which provides a legal basis for effective air pollution control, including authority for the State to intervene if local agencies do not enforce their ordinances. Given adequate enforcement of controls on water and air pollution emanating from sources in the Burns Ditch area—assurance of which we believe should be made prerequisite to construction of the Burns Waterway project—it would appear that adverse effects of the proposed harbor development and related port complex on present and prospective recreational uses in the area would not be substantial.

Administration endorsed legislation now pending before the Congress would go far in asserting a Federal responsibility to prevent air pollution in situations of this kind in the event that effective State and local action has not been taken.

CONCLUSIONS

The Bureau of the Budget recommends the authorization of the Burns Waterway Harbor, provided that prior to expenditure of funds for construction, local interests furnish assurances satisfactory to the Secretary of the Army that the items of local cooperation recommended by the Chief of Engineers will be complied with and additionally that:

1. Arrangements and schedules for providing public terminals and transfer facilities are adequate to support the traffic on which project benefits are based and such facilities will be financed on a self-liquidating basis.

2. Water and air pollution sources will be controlled to the maximum extent feasible in order to minimize any adverse effects on public recreational areas in the general vicinity of the harbor.

3. There will be construction of two integrated steel mills on a schedule generally consistent with the completion of the harbor—or of one integrated steel mill if a detailed study by the Chief of Engineers of traffic related to the other mill, and to other transshipped commodities, clearly supports economic justification of the project. The study should be supplemented by an appraisal in collaboration with other interested Federal agencies of prospective coal shipments through the proposed harbor with appropriate consideration of other possible alternative modes of coal movement such as barge-to-lake vessel transshipment.

Subject to these understandings, you are advised that there would be no objection to the submission of the report to the Congress. No commitment, however, can be made at this time as to when any estimate of appropriation would be submitted for construction of the project, if authorized by the Congress, since this would be governed by the President's budgetary objectives as determined by the then prevailing fiscal situation.

Sincerely,

ELMER B. STAATS,
Deputy Director.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., September 24, 1963.
HON. CYRUS R. VANCE,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: In connection with the Bureau of the Budget's review of the report of the Chief of Engineers on Burns Waterway Harbor, certain information was requested of the Public Health Service with respect to air and water pollution which might be expected to occur in connection with the industrialization which is planned in the vicinity of the harbor.

The information requested was primarily to determine if the expected industrialization would significantly impair planned recreational use of beach and dunes areas contemplated under proposals for a national lakeshore area in that vicinity. The substance of the findings of the Public Health Service in this respect is set forth in our clearance letter on the Burns Waterway Harbor project report.

As an extension of their consideration of the effect of potential air pollution in relation to proposed recreational development, the Public Health Service has recently submitted an additional report on the possible additive effect on air pollution levels in the Gary-East Chicago area from pollution originating in the vicinity of Burns Waterway.

We suggest that this letter and the letter from the Public Health Service, attached, together with the letter and report previously made available to your staff on pollution matters, be made a part of the project report document on the Burns Waterway Harbor.

Sincerely,

ELMER B. STAATS,
Deputy Director.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
Washington, D.C., September 23, 1963.
HON. KERMIT GORDON,
Bureau of the Budget,
Executive Office of the President,
Washington, D.C.

DEAR MR. GORDON: This is in response to a request from your staff for a further analysis and judgment concerning the potential air pollution problems associated with proposed industrial developments along the Lake Michigan shore in northern Indiana, and more specifically as to the contribution of the proposed Burns Ditch developments to air pollution in the open dunes land areas immediately to the west of Ogden Dunes and in the Gary-East Chicago area.

Enclosed is a copy of a brief staff memorandum making the evaluation requested. Necessarily, because of limitations of time and existing available data, this evaluation is not nearly as complete as desirable. Nevertheless, it appears to be adequate to bringing into focus a potentially serious air pollution problem and it is our feeling that an extended evaluation would merely sharpen up values rather than change them significantly.

The Gary-East Chicago area is already one of the more highly polluted areas in the

United States with respect to airborne particulate matter. Only limited information is available on this area with respect to airborne concentrations of sulfur oxides pollutants; available information, however, would indicate that such pollution is already at levels sufficiently high to be of concern.

Up to the present time, air pollution control programs operated by governmental agencies in this area are only of nominal extent. The city of East Chicago has a program which employs one man and Gary is reported to be developing a program. The State of Indiana is developing a control program under recently enacted legislation and currently has one engineer with full-time activities in this effort. None of the steel production furnaces in the Gary-East Chicago area have air pollution control equipment installed on them according to available information, although we understand that at least two of the companies are giving consideration to the installation of such controls. In addition, in this area there are other large potential sources of air pollution including oil refineries and utility company electric generating stations.

The enclosed memorandum would indicate that, for 2 to 4 percent of the time (7 to 14 days per year) the contribution of airborne particulates in the open dunes land area west of Ogden Dunes from the proposed Burns Ditch industrial development is estimated at 400 to 800 micrograms per cubic meter; somewhat higher levels would be expected in the community of Ogden Dunes, which has a population of about 1,000.

Also the enclosed memorandum would indicate that, for 2 to 4 percent of the time (7 to 14 days per year) the contribution of airborne particulates in the Gary area resulting from the proposed Burns Ditch industrial development is estimated at 200 to 400 micrograms per cubic meter. This, added to existing particulate pollution, would result in levels in the range of 400 to 650 micrograms per cubic meter with occasional levels of over 1,000.

In the period 1957-61, the results from the National Air Sampling Network show an average particulate loading of 118 micrograms per cubic meter for all urban stations, and 36 for all nonurban stations. In the United States only one jurisdiction has established standards for airborne particulates; the Oregon State standard specifies maxima of 150 and 250 micrograms per cubic meter above normal background levels for residential-commercial and for heavy industrial land use areas respectively.

The contribution to airborne concentrations of sulfur dioxide in the Gary area, from the Burns Ditch complex, when added to existing pollution levels would be expected to result in 24-hour average concentrations of 0.2 to 0.7 part per million for 7 to 14 days per year. These concentrations would exceed those which have been established by a number of official agencies in this and other countries. Recent research results on the effects of sulfur oxides pollution on human health give indication of a need for more stringent standards for this type of pollutant than have been considered necessary in the past. Somewhat lesser concentrations of sulfur dioxide, estimated at 0.13 to 0.16 part per million may be expected to result in the open dunes land area west of Ogden Dunes from operations of the proposed Burns Ditch industrial development.

Totally, with respect to air pollution in the open dunes land area to the west of Ogden Dunes, the contribution of air pollutants from the Burns Ditch industrial development is not expected to seriously interfere with any public recreational uses. However, the additive effect of air pollution from the proposed Burns Ditch industrial development plus existing pollution in the Gary-East Chicago and other permanently

inhabited areas may be expected to result in a potentially serious problem. At a minimum, the alleviation of this problem can be expected to require much greater air pollution control efforts on the part of public agencies and industry. Satisfactory control of the sulfur oxides problem may in addition require the use of technology which is only now under development. A number of studies are currently being supported, by both industry and public agencies, concerned with improvement of technology for removal of sulfur from fuels and for removal of sulfur oxides from combustion gases. Several technically promising new processes, designed to recover elemental sulfur or sulfuric acid from flue gases, are in the pilot plant stage of investigation in this and in other countries.

The proposed Burns Ditch industrial development, the proposed Indiana Dunes lakeshore, and the existing Indiana Dunes State Park, are all in Porter County, Ind. Adjacent to the west in Lake County are located Hammond, Whiting, East Chicago, Gary, and other highly industrialized areas. Immediately across the State line in Illinois, is the highly industrialized Chicago metropolitan complex. For this entire area the ideal air pollution control district should be interstate in character and encompass the sources of potential pollution and the areas affected. As an alternate to a multicounty interstate air pollution control district, the creation of which might take years of negotiations, the State of Indiana should be able in a reasonably short time, to establish a bi-county air pollution control district comprising all of major portions of Lake and Porter Counties which, by virtue of involving a large enough population and tax base, should be a viable entity. If this air pollution control district were to adopt and enforce regulations reasonably directed to the control of air pollution in the district, then air pollution problems of the area could be alleviated. In addition to tax support within the two counties, it would be reasonable to assume that additional financial support might be forthcoming from the State of Indiana, and, should pending legislation be enacted, from the Federal Government. In addition, technical assistance, including the loan of equipment and personnel, should reasonably be anticipated from both the State of Indiana and the Public Health Service.

Regulatory control of air pollution in this bicounty area would be much more difficult to accomplish if it involved individual participation by the multiplicity of cities, towns, and unincorporated areas in the two counties. Some of these have air pollution control ordinances and regulations; others do not. In those which have them, the ordinances and regulations are not uniform. Many of these communities do not have a population or tax base large enough to support an adequate program. Collectively, however, they could work out both short- and long-range control programs with the major industries in the two counties which would, over a period of years, achieve the desired objective.

If we can be of further assistance in this matter, please let us know.

Sincerely yours,

V. G. MacKENZIE,
Chief, Division of Air Pollution.

STAFF MEMORANDUM

DIVISION OF AIR POLLUTION—EVALUATION OF THE CONTRIBUTION OF THE BURNS DITCH—DEVELOPMENT TO AIR POLLUTION IN AREAS TO THE WEST OF OGGEN DUNES

1. This report is supplemental to the information contained in Mr. V. G. MacKenzie's letter to Mr. D. E. Bell, dated August 20, 1962. The analysis is based on a comparison of the situation for winds from the east as

compared to winds from the west as previously studied in relation to the dunes area.

2. The basic components affecting resulting pollution levels are four: (a) frequency of winds from the general direction of the source to the receptor; (b) frequency of winds such that individual effects of the sources are additive; (c) wind speed; and (d) background levels at the receptor.

3. Mr. MacKenzie's letter of August 20, 1962 and attachments indicated the following for the dunes area pollution problem:

(a) Frequency of winds from the proposed industrial area to the dunes area equal to 5 to 7 percent.

(b) Frequency of winds such that effects of sources are additive equal to 1 to 2 percent. Pollution levels resulting from this are shown in tab G, indicating particulate levels of 300-600 micrograms per cubic meter and SO_2 levels of 0.08 to 0.18 part per million.

(c) Windspeed of 9 to 11 miles per hour during the recreation season.

(d) Normal background levels of 50 micrograms per cubic meter of particulate with occasional levels of 100 to 150 $\mu\text{g}/\text{m}^3$. Data for background levels for sulfur dioxide are not available, but would be expected generally to be quite low.

4. Comparison of these four factors for the area to the west of Burns Ditch indicates the following:

(a) Frequency of winds from the proposed industrial area toward Gary equal to about 11 percent. Note that this is the average figure for the year and not just during the summer as was used to evaluate the recreational aspect of the Dunes area to the east. This compares with 5 to 7 percent previously or an increase of 80 percent or so.

(b) Frequency of winds such that effects are additive is estimated to bear the same relationship to the general wind data as previously or roughly 2 to 4 percent.

(c) Wind speed of 11 to 13 miles per hour. This would result in an estimated 30 percent reduction in pollution levels from the Burns Ditch industrial complex as shown in 3(b) above. Resulting levels in the open dunesland area to the west of Ogden Dunes could range from 400 to 800 $\mu\text{g}/\text{m}^3$ for particulate and 0.13 to 0.16 part per million for SO_2 and in the Gary area would range from 200 to 400 $\mu\text{g}/\text{m}^3$ for particulate and 0.06 to 0.13 part per million for SO_2 . The concentrations in Ogden Dunes, with a population of approximately 1,000, would be higher than in the open dunesland to the west.

(d) Background levels for particulate in the Gary area average in the range of 200 to 250 $\mu\text{g}/\text{m}^3$ and 10 percent of the time they exceed 250-500 $\mu\text{g}/\text{m}^3$. Sulfur dioxide data for the Gary area are limited. Data from Chicago would indicate this to average about 0.1 part per million with 0.6 part per million being exceeded 10 percent of the time for 24-hour averaging periods.

(e) When the winds are from the west, they pass over Gary before arriving at the open dunesland area to the west of Ogden Dunes. Because of diffusion, the concentrations of pollutants in the open dunesland area should under these circumstances be lower than those in Gary itself. The order of magnitude should be, for particulate matter, an average of under 100 $\mu\text{g}/\text{m}^3$ with values for 10 percent of the time in the 150-200 $\mu\text{g}/\text{m}^3$ range. As noted above, there is insufficient data to estimate sulfur dioxide levels with a wind from the west.

5. Summarizing this data, the following is indicated:

A. Open dunesland area to the west of Ogden Dunes.

(a) Particulate: For from 2 to 4 percent of the time (7 to 14 days per year) the contribution of particulate to this area from the Burns Ditch industrial complex could result in levels of from 400 to 800 $\mu\text{g}/\text{m}^3$.

(b) Sulfur Dioxide: For from 2 to 4 percent of the time (7 to 14 days per year) the

contribution of sulfur dioxide to this area from the Burns Ditch industrial complex could result in levels of from 0.13 to 0.16 part per million.

B. Gary, Ind.:

(a) Particulate: For from 2 to 4 percent of the time (7 to 14 days per year) the contribution of particulate in the Gary area from the Burns Ditch industrial complex could be 200 to 400 $\mu\text{g}/\text{m}^3$. This, when added to the background, would result in levels in the range of 400 to 650 $\mu\text{g}/\text{m}^3$ on about 7 to 14 days of the year with occasional levels over 1,000 $\mu\text{g}/\text{m}^3$.

(b) Sulfur dioxide: Contribution to levels Ditch complex would reach 0.06 to 0.13 part per million on from 7 to 14 days per year. Added to the background, this would result in levels in the range of 0.2 to 0.7 part per million for 24-hour averaging periods. Short-term levels as high as 2 parts per million might be expected to occur, particularly during the winter season.

Mr. BAYH. Mr. President, I am delighted to join with the distinguished Senator from Washington [Mr. JACKSON], with my colleague from Indiana [Mr. HARTKE], and our good neighbor from Illinois [Mr. DOUGLAS] is sponsoring legislation to create a national lakeshore park in the Indiana Dunes. I am pleased, too, that the bill is strongly supported by the administration.

As my colleague and I said in a joint statement, this bill allows Indiana to have a national lakeshore development without hampering its chances for a deepwater port.

But the important point that we should all keep in mind is that by sponsoring this bill we are recognizing the great need for having a park along Lake Michigan. The park is necessary because we need to preserve the dunes and because we must provide recreational land and clean beaches for our expanding population.

As the Assistant Secretary of the Interior pointed out in his letter of transmittal, there are about 6.5 million people living within a 50-mile radius of the Indiana Dunes. We may have 8 million within that radius by 1980.

When we have that many people close to an area that is blessed with forests and wild flowers and plants, living creatures, unspoiled natural dunesland, warm water, and wide beaches, we have a happy combination. I believe we must take advantage of this situation to provide all the recreational and educational benefits for the people of Indiana that we can possibly provide.

Most of us who are familiar with the park area can visualize a national park, and that is why we are particularly anxious that this legislation be passed.

Naturally, once the bill is sent to committee and hearings are held, there will be additions and subtractions. But our main concern is providing as many acres of recreation land as we can without causing any unnecessary harm to industry or to any property owners and residents of the area.

One of the best features of this bill is that it offers persons whose property may be included in the park area the option of remaining or having the Government provide other property for them. The bill also offers the State of Indiana the option of including the Indiana Dunes State Park in the national park.

In all, this legislation is a good framework in which to begin our discussions over the exact specifications the park shall have. I feel that the proper next step would be for all persons interested in the park to make their views known when the committee holds hearings on this legislation.

IMPOSITION OF QUOTA LIMITATIONS ON IMPORTS OF FOREIGN RESIDUAL FUEL OIL—ADDITIONAL COSPONSORS OF BILL

Under authority of the orders of the Senate of September 26, October 2, and October 10, 1963, the names of Mr. BARTLETT, Mr. BAYH, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. BREWSTER, Mr. BURDICK, Mr. CARLSON, Mr. DOMINICK, Mr. GRUENING, Mr. HILL, Mr. JOHNSTON, Mr. JORDAN of Idaho, Mr. LAUSCHE, Mr. MCCARTHY, Mr. MCGEE, Mr. METCALF, Mr. MOSS, Mr. MUNDT, Mr. PEARSON, Mr. SIMPSON, Mr. SPARKMAN, Mr. TOWER, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota, were added as additional cosponsors of the bill (S. 2185) to impose quota limitations on imports of foreign residual fuel oil, introduced by Mr. RANDOLPH (for himself and other Senators) on September 26, 1963.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1064) to amend the act redefining the units and establishing the standards of electrical and photometric measurements to provide that the candela shall be the unit of luminous intensity.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 2268. An act for the relief of Mrs. Geneva H. Trisler; and

H.R. 6377. An act for the relief of Sp5c. Curtis Melton, Jr.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H.R. 7195. An act to amend various sections of title 23 of the United States Code relating to the Federal-aid highway systems; and

H.J. Res. 192. Joint resolution relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

REVIEW OF ST. LAWRENCE-GREAT LAKES SEAWAY

Mr. LAUSCHE. Mr. President, the St. Lawrence-Great Lakes Seaway is presently realizing only a modest proportion of available traffic despite abundant economic activity. It is doubtful whether the seaway will reach its estimated potential in 1965 of 66.2 million tons. At existing toll rates, 50 million

tons a year are needed to liquidate the \$130 million invested in the seaway. With proper assistance, seaway traffic can, at existing toll rates, assure coverage of the full cost of making the Great Lakes-St. Lawrence system a seaway with an impressive future. Without corrective measures, the seaway will fall into functional obsolescence far short of its 50-year accounting lifetime. So far this year, the total tonnage of the seaway is 18 percent ahead of last year, which was 25,593,600 tons. To grow to this figure from a starting point of 11 million tons in a 5-year period is a real accomplishment.

The response to the seaway opening by shippers has been slow, but encouraging. Total cargo in 1962 increased over 1960 by 5,283,254 tons, and was over double the tonnage moved through the St. Lawrence system in 1958, the year previous to the seaway opening. This steady upward spiral of shipping activities on the St. Lawrence-Great Lakes navigation in fact has had marked economic effects upon the industries and citizens of the midcontinent region.

Mr. President, if industrial growth, both planned and actual, is a measure of economic activities generated through improvements in transportation systems, we should take notice of a recent market survey which determined that the top managers of American industry today are looking to the east-north-central States of Ohio, Michigan, Indiana, and Wisconsin with the greatest favor for locating their new plants.

I. ACHIEVEMENTS

First. It has permitted the import of iron ore to the steel mills of the Great Lakes at a reasonable rate, as the need for new sources of ore became critical.

Second. It has provided a less expensive rate for the farmers' produce, particularly grain. For instance, in the Toledo area, the farmers have averaged 6 cents per bushel more for their grain for shipping directly through the port.

Third. It has stimulated the export of general cargo from those previously land-locked regions.

Fourth. It serves the military needs in time of peace and war by reducing the cost of military goods, and by providing an additional 1,000 miles of protected passage, and by allowing shipyards of the Great Lakes to expand production of vessels.

Fifth. It has generated aid in the creation of jobs and the expansion of trade.

II. PROBLEMS

Mr. President, the major problem affecting the normal growth of the St. Lawrence-Great Lakes Seaway system is elemental—it is a lack of regional industrial response to the advantages of international shipping through the seaway. Americans are not using the waterways. The reasons underlying this basic principle are:

First. Imbalance in inland freight-rate schedules favoring east coast and gulf coast ports precludes the seaway's realization of its full potential.

Second. Government cargoes originating in the midcontinent region are being routed to North Atlantic and gulf

ports. Out of a total of 22.8 million tons of freight moved by the Government in 1962, only 160,000 tons moved through the seaway. Much of this cargo moved overland to these competing ports through the mechanism of section 22 freight rates. Since the seaway's opening, lake port efforts to secure their proper share of Government cargo, estimated to be 1 million tons annually, have been completely frustrated by rates created through this particular section of the Interstate Commerce Act. A flood of these rates in the last 2 years affecting movements of Government cargo from the Great Lakes area to the North Atlantic ports has diverted hundreds of thousands of tons from the St. Lawrence Seaway system. Last year, only 160,000 tons of defense and aid cargo out of an anticipated 1 million tons was shipped through the seaway.

Third. There has been a substantial lack of midcontinent response to the economy of seaway shipping. It has been virtually impossible in many cases to change ingrained shipping customs, in order to guide industries to trade routes of economic advantage. Industries lack knowledge concerning the services available in Great Lakes ports. European exporters and importers similarly lack knowledge of the strategic location of the Great Lakes States as international distribution points for goods.

U.S. traffic management is largely confined to only domestic shipments, with the result that export prices on goods on a basis of total cost at destination are rarely offered, apparently because American firms are uncertain of their traffic scales.

European selling efforts based upon f.o.b. terms of sale deprive American exporters of virtually their one and only cost-cutting tool—economic inland and ocean routes which would place them on equal footing with their foreign competitors.

III. REMEDIES

Government traffic management agencies must be educated to the cost-saving values of using the seaway.

Inland carriers must be influenced and controlled in their ratemaking negotiations, to insure equal opportunity for all.

Seaway tools must be maintained at their present level, as increased charges would surely preclude development of new cargo movements through the seaway.

Federal legislation must be enacted to restrict those uses of section 22, which deprive the St. Lawrence-Great Lakes system of its logical share of military cargoes.

Enlightenment of American managers to the economic facts of life must not be left solely to port organizations. Department of Commerce programs, both national and regional, must be accelerated to influence the movement of cargo away from routes of economic disadvantages—which can be done only through the proper education of exporters and importers to the inherent advantages of seaway shipping.

There must be some changes in the national policies toward seaway development. The commerce clause in the Constitution delegates to the Government the power to regulate interstate commerce; and in 1865, the Supreme Court interpreted that clause to include control over all interstate navigable waters. With the exclusion of the Corps of Engineers dredging services in port channels, the U.S. Government has generally left seaway-port development entirely to local initiative in the various ports, which is traditionally unmanned, underfinanced, and continually under fire.

Mr. President, last week, the Senate Commerce Committee, under the chairmanship of the Senator from Washington [Mr. MAGNUSON] decided to study the present status of the Great Lakes-St. Lawrence Seaway, with the view of learning of its achievements, its problems, and needed remedies. This undertaking by the Commerce Committee is a worthy one, and will, in my opinion, produce results beneficial to the general economy of our Nation.

Mr. President, I am glad to report that the chairman of the Commerce Committee has agreed to conduct hearings in regard to the Great Lakes-St. Lawrence Seaway at various points on the lakes and on the river, with the purpose of ascertaining—

First. What have thus far been the achievements of the seaway?

Second. What are its problems?

Third. What cures, if any, to solve these problems can be provided by Congress?

I invite the attention of Senators from the Great Lakes States and from the States contiguous to the St. Lawrence Seaway to the contemplated study. Its objective is excellent; and I thank the chairman of the Commerce Committee for approving the project and going forward with it.

MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT OF 1963—CONFERENCE REPORT (H. REPT. NO. 862)

Mr. HILL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1576) to provide assistance in combating mental retardation through grants for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction and initial staffing of community mental health centers, and for other purposes. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

Mr. HILL. Mr. President, as passed by the Senate, S. 1576 authorized \$423 million for the construction of facilities

for the mentally retarded and the mentally ill and for training grants, research, and demonstrations relating to the education of the handicapped.

For these purposes, the conference agreement authorizes \$329 million, a decrease of \$94 million for construction in the bill as passed by the Senate and an increase of \$91 million over the amounts for construction in the House amendment.

In addition, the provisions of the Senate-passed bill authorized funds for the initial staffing of community mental health centers. These provisions have been deleted by the conference substitute as the overwhelming majority of the House conferees were adamant in their opposition to these provisions.

The total authorization of S. 1576 in the conference substitute amounts to \$329 million divided among three titles:

TITLE I—CONSTRUCTION OF RESEARCH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED

Part A would authorize the appropriation of \$26 million over the 4-year period beginning July 1, 1963, for project grants to pay for a maximum of 75 percent of the costs of constructing research centers that would develop new knowledge for preventing and combating mental retardation.

Part B would authorize the appropriation of \$32.5 million over the 4-year period beginning July 1, 1963, for project grants to pay for a maximum of 75 percent of the costs of constructing college or university associated facilities for the care and treatment of the mentally retarded.

Part C would authorize the appropriation of \$67.5 million over the 4-year period beginning July 1, 1964, for formula grants to be allocated among the States to pay 33½ to 66½ percent of the costs of constructing public and other nonprofit facilities for the care and treatment of the mentally retarded.

TITLE II—CONSTRUCTION OF MENTAL HEALTH CENTERS

This title would authorize the appropriation of \$150 million during the 3-year period beginning July 1, 1964, for formula grants to be allocated among the States to pay 33½ to 66½ percent of the costs of constructing public and other nonprofit community mental health centers.

TITLE III—TRAINING OF TEACHERS OF MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

This title would authorize the appropriation of \$47 million over the 3 years beginning July 1, 1963, to extend and strengthen the existing programs for training teachers of mentally retarded children and deaf children and to expand these programs to include the training of teachers of other handicapped children.

This title would also authorize the appropriation of \$6 million over the 3 years beginning July 1, 1963, to finance grants for research or demonstration projects relating to the education of the handicapped.

In order to fully implement section 301—training of teachers of handicapped children—it is desirable to take

advantage of the many fine undergraduate senior-year programs in the various areas of handicaps which lead to certification in the specialty at the baccalaureate degree level or to certification at the masters degree level.

Experience with the Public Law 87-276 program for training teachers of the deaf indicates that approximately one-third of the teacher-trainees are at the senior-year undergraduate level. It is expected that the situation with respect to need, opportunity, and demand would be somewhat similar in other areas of the handicapped. In a balanced national program to close the gap between the number of qualified teachers available and the number needed in each area of the handicapped, provision should be made to take advantage of strong existing senior-year undergraduate training programs as well as graduate programs. We expect that the additional funds authorized for this program of training teachers of handicapped children will be used for training the teachers themselves, rather than graduate students; at least until the needs for teachers of the handicapped have been met.

Under the program of training teachers for the deaf, an advisory committee was created which has been of great value in implementing the program. It is hoped that the Commissioner of Education will appoint advisory committees, similar to the committee for the deaf program, in other areas of the handicapped to assist him in implementing this program.

May I say that the enactment into law of S. 1576 will represent a legislative landmark in the history of the country with respect to the care and treatment of the mentally retarded and the mentally ill and with respect to the education of handicapped children.

For too long we have neglected the mentally retarded. Our research facilities to develop new knowledge in preventing mental retardation and our present facilities for the care of the mentally retarded are grossly inadequate. These deficiencies will be remedied as the programs authorized by S. 1576 are implemented.

The concept of treating those afflicted with mental illness in community mental health centers has proven its success in a number of locations across the country. This legislation will greatly facilitate the establishment of additional community centers in all of the States so that we can drastically reduce the prolonged period of disability now associated with mental illness. The population of our people relegated to enormous mental hospitals in isolated locations—where individual care and treatment are almost impossible—will gradually be decreased. We will offer new hope to those who in the past have been largely or forgotten people.

Approximately half of all the hospital beds in the United States are reported to be occupied by the mentally ill. Over 1 million patients are treated each year in public and private hospitals at a cost of over a billion dollars a year, practically all of which is borne by the taxpayers. In terms of days of service, more hospital care is provided for patients suf-

fering from psychiatric illnesses than for patients of all other diagnoses together. At the present time, however, the hospitalization provided is little more than custodial in nature.

In the years ahead the community mental health centers authorized by S. 1576 will be used for the treatment of the majority of patients afflicted with mental illness. The State mental hospital as we know it today will no longer exist because it will be a different type of institution for those selected patients who need specialized types of care and treatment.

It is the intent of the conferees that the Public Health Service use its existing authorities and resources in addition to S. 1576 in the establishment of community mental health centers. It is absolutely essential that we press forward with all possible speed to alleviate the disability and decrease the expense that is caused by mental illness.

The community mental health center, as a vehicle for a truly comprehensive community mental health program, will become the focus of community activity in the mental health field.

As such it will undoubtedly develop as the future base of research, demonstration, and training in the community mental health area. This may take place by utilizing several existing legislative and programmatic mechanisms.

A vital partnership can be developed by collaborative undertakings between the community mental health center and the existing centers of research and training in our universities throughout the country. It would seem, therefore, while providing services for the population served, the center would be in a unique position to carry on research in new and developing areas of interest, such as, new therapeutic practices as well as field and demonstration studies which would make effective use of the center's unique capabilities as a base of epidemiological and field clinical research.

These centers, located as they will be at the community level, will provide resources for the demonstration of true public and private interagency coordination and collaboration as well as a base for the rapid dissemination of new information regarding new developments in the mental health field. The centers will be the ideal site for training a variety of professional and subprofessional personnel. This includes family physicians and other doctors who will have an opportunity not only to treat their own patients, but to receive needed training in expanding their mental health skills.

As recently demonstrated so vividly in the administration of the mental health planning grants, programs of this nature bring forth increased requests from the States for professional and technical assistance of all kinds. I believe we would be remiss were we not to encourage the support of training, research, and demonstrations to be carried out with these community mental health centers as a base.

THE VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HILL. Mr. President, the report is signed by all the conferees on the part of the Senate and by all the conferees on the part of the House.

Mr. KUCHEL. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. KUCHEL. I understand that among those representing the Senate at the conference were the distinguished senior Senator from New York [Mr. JAVITS] and the distinguished junior Senator from Texas [Mr. TOWER]. Is that correct?

Mr. HILL. The Senator is correct.

Mr. KUCHEL. And the Senator from Alabama has now informed the Senate that a unique unanimity has been achieved in connection with the conference report; is that correct?

Mr. HILL. Again the Senator from California is correct.

Mr. KUCHEL. I thank the able Senator from Alabama.

Mr. HILL. Mr. President, I move the adoption of the report.

The report was agreed to.

COMMUNIST FUTURE NEED FOR U.S. WHEAT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The VICE PRESIDENT. The limitation which has been agreed to is for 3 minutes. The Senator from Wisconsin asks unanimous consent that he may proceed for 5 minutes. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, there is a very real prospect that the U.S.S.R. may be interested in buying American wheat and other agricultural products in the future at the subsidy price, the world price.

There are certain facts which we should clearly understand in deciding whether such a policy would be good or bad for the free world. The facts are these:

First. The Soviet Union has become a major exporter of grains, especially wheat. It has greatly increased its export of wheat in recent years. By last year, these grain exports had risen to 7.8 million tons, a 50-percent increase in 5 years.

Second. This huge increase in exports has taken place, although Secretary of Agriculture Freeman has reported that the Russians have not had a good grain crop since 1958.

Third. There is no evidence that there is any shortage of wheat for food in the Soviet Union. In fact, experts from the State Department and elsewhere assure us that the Soviets have ample food supplies. There has been no report of rationing in the Soviet Union.

Fourth. No American knows reliably how much wheat was produced in the U.S.S.R. last year.

WHEAT FOR EXPORT

On the basis of these facts, it seems logical that the U.S.S.R. needs this addi-

tional wheat, not for the sake of feeding starving humanity, but in order to keep its heavy export commitments to its satellites in Eastern Europe and Cuba.

It is also evident that this additional wheat—including the vast amount from Canada and Australia—might put Russia in a position to drive a tough unifying bargain with the Red Chinese.

Experts differ on whether or not the Russian drop in grain production this year is likely to become chronic.

U.S.S.R. MAY NEED U.S. WHEAT IN FUTURE

German experts told former Chancellor Konrad Adenauer last week that the U.S.S.R. will continue to suffer from low production. These German experts based their estimates on two facts: First, the soil in the virgin steppes can bring in only two or three crops before a year of failure; second, the U.S.S.R. which once imported a considerable amount of rice from Red China, no longer is getting it.

There is the additional established fact that collectivized farming has failed the Communists dismally throughout the world, and the Soviet Union can hardly expect to reverse this situation in the near future. The prime cause of the collectivized agricultural failures is the lack of incentive for the farmer to produce when he does not own his farm. To correct this basic defect under communism is like making water rush uphill.

Furthermore, there is a shortage of farm machinery and poor utilization of the machinery available in Russia. Russian farming methods are out of date. Research and education in modern methods are lagging. There is insufficient use of fertilizer. All of this will take time to change, if indeed it ever does, under communism.

WHY U.S.S.R. BOUGHT U.S. WHEAT

Now, Mr. President, the important fact to recognize is that the Soviet Union is so anxious to export grains that it has enormously stepped up its export in the very years its production has fallen low. Why?

Why is the export of grain to satellite countries so enormously vital to the U.S.S.R. that it is willing to run this risk and make this sacrifice?

Why—after a year of apparent crop failure such as 1963—is Russia willing to expend such a huge amount of its limited gold and foreign exchange for wheat to export?

Whatever else can be said of Khrushchev, he is not stupid.

And yet he has bought a billion dollars' worth of wheat from the free world—Canada, United States, and Australia—in the past few weeks, although there is no rationing and no sign of any serious hunger in the U.S.S.R. today.

The answer is twofold:

First. Khrushchev understands that he cannot effectively hold together a solid and, what is just as important, a productive Communist bloc simply by military power. He cannot even do this in Eastern Europe. Of course the U.S.S.R. has the power to pulverize any Eastern European satellite country quickly; but military destruction of East Germany or Po-

land or Hungary would not increase the economic production of these countries.

And it is a central fact that Russian military force depends on the machine tools and other hard industry products made in East Germany and Czechoslovakia.

Second. Even within the Soviet Union Khrushchev, a far wiser tyrant than Stalin, understands that his people cannot be productive if they are not well fed and if there is not some economic reward—some incentive—for productivity. Peacetime rationing in the absence of any foreign threat would begin to smother the energizing incentive that is essential to persuade the Russian people to produce effectively in its modern technological economy.

FREE WORLD SHOULD GET REAL CONCESSIONS

Mr. President, the President of the United States has acted to permit the sale of wheat this year to the U.S.S.R. This has been called a one-shot deal. We have been assured in Congress that this does not represent a change in policy toward the Soviet Union.

Mr. President, I hope and pray the President will take a long, hard look at this trade policy and inform the Congress and the Nation whether or not it should continue in view of the benefits to the U.S.S.R. and world communism in being able to buy this grain.

And finally, Mr. President, the one consistent argument that was made in favor of this sale of wheat to Russia was that if we do not sell our allies will. I hope that in view of the willingness of Mitchell Sharpe, the Canadian Minister of Trade, to clear the Canadian sale of wheat to Russia with our Government before the sale was consummated, and in view of the contention of former Chancellor Adenauer that Russia should have been required to make some concession regarding Berlin before we sold her wheat, that the President should discuss with the leading friendly, free nations of the world the full economic and military effects on communism and freedom of this trade and consider carefully the possibility of securing substantial concessions from Russia for freedom as a quid pro quo for the sale of wheat at the subsidized world price.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table showing Soviet export and import of grain over the past 5 years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Soviet export and import of grain
[In thousands of metric tons ¹]

	Exports			Imports		
	1958	1961	1962	1958	1961	1962
Grains, total.....	5,100	7,482	7,814	761	679	45
Wheat.....	3,879	4,801	4,765	323	656	45
Rye.....	461	1,088	1,300	—	—	—
Barley.....	278	1,007	467	176	—	—
Oats.....	261	180	25	—	—	—
Corn.....	221	406	1,257	262	23	—

¹ 1 metric ton is equal to 37.6 bushels.

Source: Official foreign trade statistics of the U.S.S.R.

TRIBUTE TO CHIEF JUSTICE EARL WARREN

Mr. KUCHEL. Mr. President, 10 years ago this month the Chief Justice of the United States, Earl Warren, began a decade of honorable and illustrious service to the people and to the Government of the United States. We Californians are proud that the Chief Justice, a native-born Californian, in his earlier years was one of our greatest Governors during a crucially important era in California when we began emerging as a great American commonwealth.

At its annual meeting in the city of San Francisco this month, the State bar of California honored Chief Justice Warren. All members of our Nation's highest tribunal, save one, were present at the appropriate ceremonies held by the bar.

It is the distinction of the Chief Justice to have been, and to continue to be in the forefront of the profound social changes which have taken the place and are taking place, among all the people of our country. Equal treatment under law is ceasing to be a myth and is becoming a constitutional reality. The Chief Justice is a strong and devoted advocate of the American constitutional system of government. The meeting of the State bar was unique in that the Chief Justice delivered a profound and illuminating address at the convention which attracted upward of 4,000 people. Subsequently, he spoke at a seminar at the University of California on the challenge of growth. Across our country great American newspapers editorially have commented and congratulated Chief Justice Warren on the courage and the vision, the honor, and the erudition which he has ever displayed as head of our country's highest Court.

I ask unanimous consent that there be printed at this point in the RECORD two addresses of the Chief Justice and also representative editorial comment from the Washington Post, the Washington Daily News, the St. Louis Dispatch, the Los Angeles Times, the San Francisco Chronicle, the San Jose Mercury, and the Sacramento Bee.

There being no objection, the addresses and editorials were ordered to be printed in the RECORD, as follows:

ADDRESS BY EARL WARREN, CHIEF JUSTICE OF THE UNITED STATES, AT THE CONVENTION OF THE STATE BAR OF CALIFORNIA, SAN FRANCISCO, CALIF., SEPTEMBER 25, 1963

How good it is to be home—"right back where I started from."

It was 10 years ago almost to the day when the President of the United States announced my appointment to the Supreme Court. The State Bar of California was then about to convene in annual convention. Four days later, when I took my place on the bench, you were actually in session at Monterey. Had it not been for that appointment I would have attended as I had for 26 years before. I shall never forget the lift it gave me to receive the heartwarming telegram from that convention. Throughout the intervening years, it has been a source of inspiration to me to have the good wishes of the lawyers with whom I labored for so many years. It may be a matter of wonderment to some of you that, although invited, I have never attended one of your conventions since that time. Much as I would have liked

to do so, there were two reasons for my absence—one was that the conventions are always at or about the time the Supreme Court convenes for its annual term, which under the statute is the first Monday in October. The second is that as soon as I became Chief Justice, I received so many invitations to speak before bar associations of cities, counties and States that I could not have accepted all of them except as a full-time job. To have accepted some and not others would have been difficult to explain, so I decided to accept none. My stated reason for declining was, and it was the truth, I could not take the time to prepare such speeches and travel to their conventions, without neglecting my duties. But the clincher in my declination was that I had not even accepted the invitations of my own State and local bar associations. So this is the first of its kind I have attended since leaving California. But last spring, when Bill Gray came to Washington and extended your invitation, it was so intriguing that I said, "Bill, I feel exactly like the fellow who boasted that he could withstand anything but temptation."

I accepted, and it would not be unnatural for some of you to wonder how I feel on such an occasion. My thoughts run wild, of course, when I review in my mind's eye the thousands of happy experiences I had among you for almost 40 years, and it is difficult to contain them in one answer. However, there is an old story that at least expresses the joy I feel in being back in the fold.

A mother bird made her nest in the woods and hatched her brood there. She scurried for food for the little ones, and taught them to fly by occasionally shoving them out of the nest and then returning them when they fluttered and fell to the ground. Finally she was convinced that one of them was prepared to see something of the outside world, so she smoothed his feathers, preened him in every respect, and gave him some parting words of advice not to be led into fights with other birds and to return within an hour. He took off, but did not return on schedule. After many hours, he barely made it back to the nest, disheveled, with most of his feathers gone, and his head scratched and beat up. The mother demanded to know what he had been doing, and he said, "Mother, everything was fine until I got caught in the middle of the doggonedest badminton game you ever saw. I was batted back and forth until I thought it would never end. I am sure glad to be home."

It was so generous of you to invite the entire Court, and it is a matter of great joy to me that they could be here to become acquainted with you. I am sure both you and they will enjoy the association it affords. And while they are all present, I would like to express my appreciation for the fellowship I have had on the Court. It has been both constant and pervasive through the years. It started on the day of my arrival and has existed to this day. If it had not been for this camaraderie, the loneliness for me would have been devastating.

I remember well the day of my arrival at the Court. It was Monday, October 5. I had only arrived in Washington about 10 o'clock the night before. I walked into the Supreme Court Building, and was ushered into the chambers of the Chief Justice by the marshal. There I was met by Mrs. McHugh, who had been the secretary of my predecessor, Chief Justice Vinson, and who incidentally is still there in the same capacity with me. There were also there awaiting me two very elderly messengers, one of whom soon passed away, and the other retired because of old age; and there were three young law clerks recently out of law school, two of whom the Chief Justice had appointed but had not yet seen.

That was my staff. Can you imagine the shock after the multiple secretariat and staff I had been accustomed to? And particularly when I had not been in active legal practice for almost 11 years. I made straightway for the chambers of Mr. Justice Black, the senior Justice. He welcomed me to the Court and offered his assistance in every possible way. He then took me to the chambers of the other members of the Court, who were also cordial in their welcome and generous in their offers of assistance. By that time, it was almost 12 o'clock noon. We robed and filed into the courtroom where I took the judicial oath, opened the 1963 term, and returned to the conference room where, in the course of a week, we acted on some 300 appeals and writs of certiorari that had accumulated during the summer vacation. I assure you it was not an easy transition for me, and if my brethren had not "tempered the wind to the shorn lamb," it would have been a nearly impossible one.

You have undoubtedly read on occasions about the terrible controversies that have raged in the Court. None of us have ever chosen to deny such things because it ill behooves the Court to deny any of the stories that are fabricated concerning it. However, because there is no such charge in the news at the present time, I feel free to say to you that all of them were unjustified by the facts. I could count on the fingers of my hands—possibly one hand—all the times that there has been even a flare of temperament in the conference room, and those have always subsided in a matter of minutes. I can truthfully say to you what Mr. Justice Holmes said 50 years ago. His words were, "We are very quiet there, but it is the quiet of a storm center as we all know." But there have been people on the outside who, for reasons of their own, have enlarged upon an occasional sharp retort in Court or a few caustic sentences in a dissenting opinion to build imaginary feuds that never existed.

We have disagreed, to be sure, on the interpretation of constitutional principles. But dissent is not a vice. Properly used, it is in the best tradition of the Court. How much poorer our jurisprudence would be today had it not been for some of the dissents of Holmes and Brandeis, and other great Justices of the past. How basic and prophetic was the dissenting statement of Mr. Justice Harlan No. 1 in *Plessy v. Ferguson*, 1897, to the effect that "the Constitution is colorblind," and cannot support the separate-but-equal doctrine. Dissent for dissent's sake serves no purpose, but when used to express a deep-felt belief concerning the application of a constitutional principle, it serves a good purpose.

The supreme courts of some countries do not have dissenting opinions, but those courts do not necessarily advance the rule of law more effectively than those that do.

A few years ago we had an unexpected visit from the chief justice of one of our South American countries. It was on a conference day, so we suspended our proceedings and invited him into the conference room. He had been a professor of law for many years before becoming chief justice, and in discussing legal matters he indicated he was very much in accord with our decisions. However, he showed a special interest in our dissenting opinions, and asked a number of questions as to who might write a dissenting opinion and under what conditions it was allowable. He seemed to be somewhat astounded when he was told that any member of the Court could write one whenever he disagreed with the Court opinion. Finally, I said to him, "Chief Justice, don't you have any dissenting opinions in your court?" "Oh, no," he said, "all of my colleagues were my law students."

Our people, lawyers and laymen alike, are conditioned to the principle of dissenting opinions. Sometimes the public goes so far

as to demand them. I remember when the school desegregation opinions of 1954 were announced, the Clerk of our Court for weeks was beset by scores of requests for copies of "the dissenting opinion." When told that there was no dissenting opinion, many of them demanded to know by whose orders the dissenting opinion had been abolished. Others, believing that there must be a dissenting opinion, threatened to have him investigated for suppressing it.

I am not surprised that people would have such an idea because the wildest speculations were in the press while those cases were under submission. Only a few days before the opinions were handed down, one prominent columnist on "unimpeachable authority" wrote that the Court was bitterly divided four to four, and that both sides were making life miserable for me because I could not make up my mind. But the fact was that I wrote the opinions, and they were unanimous.

So, I imagine the dissenting opinion as an institution is here to stay without discredit to the Court. The first one was reported on August 11, 1792, in the case of *The State of Georgia v. Brailsford et al.*, and the latest one in *Gastelum-Quinones v. Kennedy*, on June 17, 1963, the last day of the past term. And so it goes in State supreme courts as well. I have even read some emanating from the Supreme Court of California, and they have in no way weakened its position in our great State.

This has been an interesting decade on the Court. The years have been challenging, and, I need hardly tell you, they have been controversial. However, it is not the Court that has made them controversial—it is the times in which we are living. The landmark cases that came to us were charged with great emotion. But the same can be said in varying degrees of almost all of the decades of our national life.

Since the Court came into existence almost 175 years ago, there have been few eras in which it has not been the center of intense controversy, and most of the climactic decisions of the Court have been rendered in an emotional atmosphere wherein any decision reached would be both praised and assailed by the contending interests.

In the first few decades, the important decisions revolved around the question of whether under our new Constitution we could be a strong Nation, capable of taking our rightful place in the family of nations, or whether we were destined to be a mere federation of States incapable of governing, such as we had been under the anemic Articles of Confederation. *McCulloch v. Maryland*, *Gibbons v. Ogden*, the *Dartmouth College* case, and others—all of them charged with the greatest emotion—established the fact that we were to be a Nation, and that the supremacy clause of the Constitution was to be a vital factor in the life of the Nation.

Following this was the territorial expansion of the Nation, and the struggle between the forces of slavery and abolition, climaxing in the *Dred Scott* decision.

In the years following the Civil War and up to the 1930's, the Court was concerned largely with the industrial revolution, the rights of corporations under the 14th amendment, the extent of the commerce clause, and the rights of the States and the Federal Government to enact social legislation. These issues rose to a crescendo in 1936. The decisions from the late thirties to the early forties, as highly controversial as any in our history, laid many of these questions to rest. They are now shorn of their emotion and are a part of the settled jurisprudence of the Nation.

Then came World War II, and the era of all human rights—not just the rights of property, but the rights of individuals to due process and equal protection of the laws.

The cases in this area are typified by *Brown v. Board of Education* and *Gideon v. Wainwright*. It has been pointed out by Alpheus Mason in his splendid book on the Supreme Court that "In its 1936 term, there were 160 decisions in which opinions were written. Of these only two were in the area of civil rights and liberties," and that "During its 1960-61 term the Court handed down 120 decisions in which opinions were written. Of these 54 concerned civil rights and liberties."

This disparity is the cause of conjecture on the part of many people. They wonder why only a little over 1 percent of our decisions were in this area 25 years ago while almost 50 percent are in this area now. Many of them say, "Don't you think we are moving too fast in this area?" as though the Court could regulate the speed with which such cases come to it. There are many people, and I fear some lawyers, who believe that whenever the Court disapproves of some facet of American life, it reaches out and decides the question in accordance with its desires. I am sure many people do believe this to be true because they often say, "I do not disagree with your opinion, but do you believe this is a good time to decide such controversial questions?" Such a question, of course, entirely misconceives the function of the Supreme Court and the limitation of its jurisdiction to actual cases and controversies. It overlooks the fact that it is a court of review and, except in a very limited area, is never a court of original jurisdiction. It disregards the fact that every case we decide has a long and often a tortuous route to pursue before it ever reaches us, and that normally it must pass the scrutiny of the district court and the court of appeals, if in the Federal system, and if a State case, it must first run the gauntlet of the State judiciary and come to our Court only from the highest court of the State. We can reach for no cases. They come to us in the normal course of events or we have no jurisdiction. When they do come to us we decide them or we do not perform our duty. Even some lawyers who appear in our Court do not realize how limited is our jurisdiction under the Judiciary Act of 1789, which has served so well throughout the existence of the Court.

Mr. Justice Frankfurter tells the story of his first day on the Supreme Court. A lawyer from the Midwest was arguing his case, and was insistent on discussing the ultimate issue at the outset before settling a lurking jurisdictional question that was bothering the Court. Mr. Justice Frankfurter was insistent on knowing first whether he had satisfied the jurisdictional requirement for consideration by the Supreme Court. After failing to obtain a satisfactory answer to several of his questions, the Justice finally said, "Counsel, before you go any further, I want to know, how did you get to this Court?" Counsel, unaware of the significance of the question, responded, "I came on the Pennsylvania Railroad."

The main reason we have so many civil rights cases these days is because the very atmosphere in which we live is charged with that subject. It is not confined to our own country. It is worldwide in all its implications. World War II was fought to preserve freedom—not only the freedom of nations from aggression but freedom for the people of the world. The Atlantic Charter solemnly promised it. Our wartime President, Franklin D. Roosevelt, told the world that we were fighting the war to establish everywhere the four freedoms—freedom of speech and expression; freedom of every person to worship God in his own way; freedom from want; freedom from fear. "By winning now," he said, "we strengthen the meanings of those freedoms, we increase the stature of mankind, we establish the dignity of human life." People everywhere looked forward with hope. The Universal Declaration of Human Rights of the United Nations was designed to im-

plement those promises. Colonialism has had a rapid demise since the war. Nation after nation has received its independence and has been admitted to the family of nations immediately. Their representatives, without regard to race, creed, or color, are admitted to the councils of the world on a basis of equality. Our greatest boast in America has been that here we have freedom and equality under the law. But, as we all know, there are those who have long been deprived of equality and they are now testing all our institutions to make certain that they too will be the beneficiaries of that doctrine. It is to claim these rights of freedom under our Constitution, which guarantees them, that thousands of cases are annually filed in both State and Federal courts. Many of them eventually find their way to our Court, and we decide them as our duty compels us to do. It is to remind us of this duty that inscribed in stone over the entrance to the Supreme Court are the words, "Equal Justice Under Law." This motto represents our ideal, our goal, and it is against this background that we must view all our courts, State and Federal. For the role of the courts is not merely to define the rights. It is also to administer the remedy.

Unless the remedy is equally applied to persons and things, the right is a mere pious idea, and more than that, unless the remedy is applied in seasonable time it still remains a delusion.

There are those who believe that in fulfilling this responsibility the Court is invading States' rights. But really, where the supreme court of a State is vigilant in its protection of constitutional rights, as is the Supreme Court of California, few differences arise between it and the Supreme Court of the United States. I thought you might be interested in a few figures that would demonstrate the relationship between those two courts, and I researched the statistics for the 10-year period between the 1951-52 and the 1961-62 terms. First on the civil side. In those 10 years, 212 cases came to us from California. Of these, 195 were affirmed, 14 were reversed, and 3 vacated. Only 25 were even set down for argument.

On the criminal side, where many of the most emotional problems arise, 767 writs and appeals were filed. In 749 of these, the action of the Supreme Court of California was sustained summarily. Eighteen were argued, of which nine were affirmed, three were vacated, and six reversed. The three that were vacated were ultimately sustained after remand and, of the six reversed, three were sustained after retrial, and only three were eventually freed.

I quote these figures largely because they afford me an opportunity to express my admiration as a member of the supreme court and my appreciation as a citizen of California for the outstanding record of the Supreme Court of California. And the figures show that where the supreme court of a State is vigilant concerning constitutional rights, the Supreme Court of the United States is equally vigilant in supporting its decisions.

Our courts, State and Federal, are the distinctive symbol of the kind of government and society that the Founding Fathers created in the wilderness of this continent. They made this Nation, and the States of which it is composed, into a republic based on the concept of the rule of law; a society in which every man had rights—alienable rights—rights based not on creed or race or economic power or influence, but upon equality. In such a society the courts have the function of dealing not only with justice among citizens but of preserving justice between the citizen and the State. The founders of our country therefore adopted the principle that there is a fundamental law—expressed in the Constitution, and particularly in the Bill of Rights—to which

every exercise of power must conform. The same concept is embodied in the constitution of the State of California. The ultimate purpose of this fundamental law is to protect the rights of the individual and to apply this law became the special task of the courts.

This is a great concept of justice. It distinguishes us from every totalitarian nation. It is the heart of government in community, state, and nation. But in order for the concept to be meaningful, it must be translated into realities in the everyday living of our people. The acid test of our system is the extent to which our ideals are given concrete reality in the lives of our people. A system of laws—however just—which existed only in theory would be a slim reed on which to base our claim that here in America justice is within the reach of every citizen.

The term we so often hear expressed—that we have a government of laws and not of men—has been used so much in recent years that we sometimes utter it without really appreciating its true meaning. To one person it means one thing while to another it may have a quite different significance. It is uncommon to find people who have a rounded concept of the rule of law. Too often we find people who believe fervently in that portion of the rule of law that protects them in their own sphere of activity but who are intolerant of that portion that protects other people. Many a person who believes implicitly that the Constitution is designed to protect him in the enjoyment and use of his property, has little patience with those who insist on freedom of expression, freedom to teach, freedom of association, freedom from discrimination, and freedom to participate fully in their government.

When we say we have a government of laws and not of men, we mean at the very least, that the law protects all men equally in their property and individual rights regardless of their race, religion, color or wealth. In America, and even in California where we have made great advances, we should not be complacent about the rule of law until we have first embraced and applied it at home and made it work in all its aspects. If we are honest with ourselves we must recognize that we are still working on a great unfinished job. This is our next and nearest step in developing a modern, adequate legal system, and the attainment of this goal should be a primary purpose of the bench and bar, both Federal and State.

At the present time and for some years past, one of our most pressing and difficult problems has been the attainment of better judicial administration. It is important to recognize that adequate judicial administration can never be achieved merely by adding new judges. Of course we do need to add judges from time to time in both the Federal and State judicial systems. But merely multiplying judges will not by itself produce the quality of judicial administration which our people so much need.

The fact is, there is no simple solution to this problem. The judiciary is an intrinsic part of this fast-moving world and, like all of the other parts, it must be properly geared and attuned to the realities of our time. We must not only sharpen our old working tools but we must fashion new ones that will enable us to do swiftly that which in more leisurely and simple times could have been done less promptly. We cannot afford a nostalgic look backwards to the conditions and practices which were in vogue a generation ago, or in any other past era. On the contrary, we must look forward to the day when judicial processes are so well organized, so simple, and so coordinated in effort that we can handle a greater volume of litigation than ever before and at the same time resolve with dispatch legal issues of greater

complexity than we have ever encountered before. This need not and should not mean mass production of decisions. It has been well put in a lecture by an eminent jurist of New York, as follows:

"The priceless ingredient in the judicial product is the individual touch of a lawyer and judge, the conscientious discharge of a personal responsibility on the part of the lawyer who presents a case and on the part of the judge who decides it. There is no substitute for that professional and personal care which is the core of justice. We lawyers must not diminish or dilute that professional quality. But it does behoove us to frame a court system and fashion the procedures on a sound business basis, which will allow needed professional services to be rendered in a time and at a cost which will effect complete justice."

It is encouraging indeed to observe today the ever-increasing interest and activity in the betterment of judicial administration in many parts of the country in both the Federal and State systems.

What Chief Justice Taft described some years ago as "The pernicious tendency of each Federal judge to paddle his own canoe," is fast disappearing in favor of a very different attitude of cooperation and teamwork as between U.S. judges and courts.

In the electrical antitrust suits now pending in the Federal district courts we have a dramatic example of this new spirit of judicial cooperation and what it can accomplish. The situation was brought on by the conviction in Philadelphia of a number of the manufacturers of heavy electrical equipment of a conspiracy to violate the antitrust laws. Following, and as a result of these convictions, over 1,800 private antitrust suits for treble damages were filed against the convicted manufacturers in 33 different Federal district courts. While there are five different product lines involved in this litigation, most of the cases involving each product line are based upon practically the same allegations of conspiracy and necessarily require for their proof many of the same witnesses, documents and other items of evidence.

The situation was wholly without precedent. Unless some way could be found for systematizing the taking of depositions and the demands for the production of evidence, the Federal judicial system could not dispose of such a snarl of litigation and the administration of the law would break down.

The Federal judges, however, have proven equal to this emergency. A series of meetings have been held, attended by all the district judges who are assigned to any of these cases, and a plan for controlling, organizing and systematizing the entire process of discovery has been worked out and made applicable to every one of these numerous law suits by order of the individual judge before whom each suit was pending.

Some 20 national pretrial orders have now been entered applicable to and effective in each of these cases. The depositions of a large number of the common witnesses have been completed. Over 750,000 items of evidence have been assembled in two central places for the use of all, and it is confidently expected by the judges that the first of these cases will be ready for trial within a very few months.

A few years ago it would have been difficult indeed to imagine so many Federal judges cooperating successfully in any such massive administrative effort. It signifies a change in the times. The late lamented judge, John J. Parker, who was one of the founders of the Judicial Conference of the United States in 1922, said in a speech shortly before his death that one of the reasons for creating the conference was that in his own circuit, and others, many of the Federal judges who had served on the bench for years had not even met each other. We have moved a long way forward since those days. The judges

concerned with administering these electrical suits are already aware that similar problems may result from future antitrust convictions and also that very similar problems of procedure and judicial administration are already present in the litigation that results from large air crashes, and similar common disasters.

It should be encouraging to all of us to find that our judges are equal to such emergencies and have the spirit, disposition, and ability to devise new methods of judicial administration to meet unprecedented problems.

Other equally clear evidences of an expanding interest in judicial administration can be enumerated, but I think this one is enough to show the increasing attention being given to this subject in the Federal courts.

I have been interested in improved judicial administration all my adult life and of course these matters are close to my heart. It is encouraging to return to California after 10 years and find so much evidence here of interest and progress in judicial administration in the State courts.

A full list of the achievements in judicial administration of Chief Justice Gibson, the judicial council, the State bar, the Governor, and the legislature of the State during the last 10 years would be a formidable list indeed. But outstanding among the more recent developments in the administration of the California judicial system are: the amendment of the State constitution in 1960 modifying and modernizing the structure of the judicial council; the organization in 1962 for the first time of an effective staff agency for the judicial council under the title of the "Administrative Office of the California Courts" headed by a most capable director in Mr. Ralph N. Kleps; the use of judicial seminars and institutes to increase judicial effectiveness; a strong effort to simplify and shorten the trial of cases by developing an effective pretrial procedure; well-conducted studies and seminars to improve the procedures of juvenile and traffic courts; a restudy and improvement of the rules of procedure, both civil and criminal, and the projected revision of the entire penal code.

When I consider all this activity I am proud to be a Californian because it keeps California in the forefront of the struggle for improved judicial administration. The State bar of California can well be proud of the part it has played in this movement. And, of course, the progress could not have been made without the leadership of Chief Justice Phil Gibson. He has been a great leader in every advance in this field for the last quarter of a century. I am happy you are honoring him and the great court he has headed at the same time you are honoring the Supreme Court of the United States and me. I like to think that all of us are engaged in one big joint venture. We share each other's problems, we profit or lose as the prestige of the judiciary is enhanced or demeaned, and we derive our satisfactions from making the word "justice" meaningful in the lives of people.

We are grateful to you, our brethren of the bar, for the unflinching support you have given to all of our courts—both State and Federal. We congratulate President Bill Gray and his board of governors on a year of splendid accomplishment and we wish for Sam Wagener and his new board accelerated progress in the year to come.

ADDRESS BY EARL WARREN, CHIEF JUSTICE OF THE UNITED STATES, AT A SEMINAR ON "CALIFORNIA AND THE CHALLENGE OF GROWTH," UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF., SEPTEMBER 27, 1963

It is somewhat presumptuous for me to talk to this group of people at this stage of your seminars on "California and the

Challenge of Growth." The subject has already been dissected on the several campuses of the university and the various facets of the subject have been explored by experts from all parts of the world. Most recently, and throughout the past 2 days, you have faced up to the future of our cities where more and more people are being concentrated and where changes basically affecting the life of the Nation are occurring at an accelerated rate. I wish I had been able to hear the discussions of those experts who have given so much thought to these changes and to the problems they raise. Other duties having deprived me of that opportunity, I find myself unable even to discuss the proposals which have been made here.

I am not a metropolitan planner; in fact, I cannot technically qualify as a planner of any kind. However, I do not shun the words "planner" and "planning" as do some people who give to those terms a sinister connotation. I am simply not a planner because that specific kind of activity has never been one of my skills. I do admire those who devote their talents to such causes, and I feel the necessity for supporting them when they devote their lives to that profession. I speak to you merely as a citizen of California who was born and reared here and who, by the grace of the voters of this State, was for many years afforded an opportunity to witness at close range and in a thought-provoking way many of the problems of growth of our great State.

When I was born here, the State of California had a population of about 1 million people. I notice that it is now estimated to have close to 18 million. Great changes have taken place during the period of that growth. When I first knew the State it was emerging from frontier days; now it is a dynamic commonwealth of tremendous proportions in the life of our Nation, economically, culturally and politically. It is bound to play a much greater part for good or evil as that growth continues. It is still a great State, and in my opinion is the greatest place on earth in which to live. This is probably not an unprejudiced opinion, but I am sure there are millions of people throughout the world who believe exactly as I do. If that were not true 1,500 or so people every day, year in and year out, would not be coming to California to cast their lots with us. They come here seeking to establish a good life for themselves and their children. I believe that working together we can make that possible for many more millions of people than we have today, if we will but realize that cities are built for the happiness of people, and that if happiness is to be achieved we must know the needs of our people under drastically changing conditions, and do the things that are essential to making such happiness possible. We can no longer wait until severe problems become critical and then try to solve them by patching together partial solutions in the nature of a crazy quilt. We must consider the lives of our people as a whole. We must consider those lives in the aggregate as the great responsibility of cities. Cities must be studied as a living organism with a body, a heart and bloodstream, a nervous system and a brain. We must not study only one or a few of its organs as they show deterioration. We must study cities and treat them as entities.

This we have not done to any degree of satisfaction in the past. We have recognized specific problems here and there, but we have not had the boldness to consider the city as a whole, and when I speak in this critical vein I do not mean that in California we are less attentive to the future than other States of the Union. I am thinking largely of the pattern throughout the Nation.

We have given much thought to water, and what we have done in that regard has

contributed greatly to the development and welfare of our State. The plans for the future are exciting. We have given much attention to our highways which have also contributed greatly to the convenience and prosperity of our State. We have given some, but too little, attention to the pollution of our waterways, and we have given pitifully little attention to the pollution of the very air which we must breathe. It seems strange in these days when happily we are protecting all peoples of the world from nuclear fission by a test ban treaty that we would be reluctant to meet head on our air pollution problems here at home. I cannot refrain from commenting on an experience I had, as Governor, with this problem. For years it seemed to me that, if smog irritated the eyes and respiratory organs to the point of serious discomfort, it might have more serious but less apparent consequences. There was some research being done at the universities and our department of public health had done what it could, but without funds appropriated for the purpose. On the advice of the department, I asked the legislature to appropriate a sufficient amount of money for it to make a comprehensive study of the problem and to consolidate the findings of the various educational institutions. The legislative reaction to the proposal was violent. The Los Angeles delegation in wrath said smog was their local problem and they did not want the State to interfere with its business; that this was but another example of State interference with local self-government. Because the Los Angeles area was the one most seriously affected, nothing was done with the proposal. But in the following 2 years the situation worsened to the extent that the farmers became concerned about the effect of smog on their poultry, dairy cattle, and hogs. The State was told it had a responsibility to know how serious the problem was and then to do something about it. The legislature without objection appropriated money to the department of public health for that purpose. In fairness I should say that the bill did permit the department also to consider the effect of smog on people. This kind of planning is similar to the railroad transportation problem in Chicago. That great city made no provision for a central railroad station and the terminals of the various railroads were scattered throughout the city. There were no passenger connections between them and it was impossible for a passenger to travel through Chicago either to the Atlantic or Pacific coasts. It was always necessary not only to change trains but stations as well, to the great inconvenience of the traveling public. But provision was made for routing cattle and hogs through the city without any transferring. As a result, it became a byword with the traveling public that nobody could go straight through Chicago unless he was a hog.

In other respects, we have done much for the health of our people in California through a farsighted department of public health and through the research of our splendid universities. We have gone a long way in education. No State has done more. But our needs are always a few steps ahead of our accomplishments. If we ever stand still, even for a moment, in this area, we will be so far behind that it will be almost impossible to catch up. We have done much in the field of agriculture, and are filling many of the needs of the Nation in that respect. But, have we adequately studied the relationship of urban growth to the agriculture of our State? Are the encroachments of suburbia and industry upon agriculture in our beautiful valleys always in the best interest of the ultimate development of our State? Many other problems of our growth have been studied with good results. Others have been left untouched. The thing we must now determine is whether

we have the foresight and courage to tackle the problem as a whole. I know there are many people who believe that to do so reflects a desire to interfere with local self-government—to bring about regimentation. This is indeed shortsighted. The very fact that we do have local self-government and that we do have hundreds of cities in California, scores of which are so close to each other that only a surveyor could tell where one ends and the other begins, makes it necessary for us to plan on a regional or even statewide basis if we are to prevent one community from strangling its neighbors. The question is whether we can continue to grow satisfactorily while California becomes one mass of people from Crescent City to San Diego? And the population experts say that is exactly what the future holds for us.

In such circumstances, must we not, if we are thinking of the future, sit down and counsel together in order that some parts might not become a blight upon the rest? If we were living in a country with a unitary system, the central government could control such things, but in our country, where we have a federal system of 50 States, and thousands of cities and counties with local autonomy, it is only by planning and cooperation that such things can be controlled.

This summer I had the pleasure and great opportunity to visit in the Near East, and in those parts of that part of the world where civilization began, so far as we know at the present time. I was in Mesopotamia, in Egypt, and in Athens. In numerous places I saw the evidence of ancient cities which had once been great powers and that now are nothing but a few ruins. Many of them, of course, were the victims of destructive war, but others were the victims of strangulation because they grew without regard to the problems of the future. Some places where archeologists had been working it was evident that there were layers of cities which flourished centuries apart. I stood in the ruins of ancient Troy on the level of the city as Homer wrote about it 1,100 years before the birth of Christ. We were told that there were nine layers of cities on that very spot, and that the Troy which Homer wrote about was the seventh layer. As I looked at those ruins and realized how many cities have occupied that site only to wither and die, I wondered if the cities of this day were facing the same disintegration because of a failure to prepare for the future.

I stood among the ruins on the Acropolis at Athens and realized that what had once been the mistress of the Mediterranean had decayed and dwindled to a few shacks at the foot of the mountain. It was frightening to recall that it had remained in that condition until the present century. Again Athens is a city of 2 million people because people of the country have flocked to it seeking to establish a better life. I wondered if it was now preparing another layer, destined for oblivion, in spite of the fact that it is vibrant at the present time. I wondered if it, too, would strangle itself as had other cities in that part of the world for thousands of years.

However, before I left I had the great pleasure of visiting the Athens Technology Institute, where the future of Athens and other cities all over the world was being studied and planned, not just by architects and engineers, but by doctors, lawyers, and social scientists of all kinds. I saw the work that was being done for the ideal city of A.D. 2100. No one there claimed to have the answers to the problems of growth. Everyone expressed a sense of personal inadequacy but, on the other hand, all expressed a determination to know what will be necessary in the future to bring happiness to the people who live in present-day cities. I saw on the trestle boards plans in the making for cities

of this country, in Greece, Pakistan, Ghana, and South American countries. None of these plans were completed but all were receiving the thought of all those disciplines that encompass the lives of people.

It was in the evening that I attended the institute, and as I looked from the mountainside on which we were, across the valley to the lighted Acropolis, I felt refreshed and again renewed my belief that our cities need not fall into decay, but that with proper research and planning and understanding they might continue to blossom and increasingly promote the welfare of our people.

I have always been an optimist about the future of California, and for a great many years have believed that the only thing which could mar that future would be indifference to the way we are growing. Twenty years ago I was privileged to be elected Governor of California. The main plank of my platform was that we should make no small plans for California; that it was destined to continue to grow, and that every plan we made should be in anticipation of California having 20 million people in 25 years. That figure shocked some of my friends who believed that it was extravagant. They said that the experts did not forecast such a tremendous growth, and that I would do better to say 15 instead of 20 million. I refused to change my figure saying that the growth of California should be predicted by optimists, not by experts. Of course, I had no way of knowing my prediction would come true, but I had watched our growth for many years, and I had the faith to believe that it would become an accomplished fact. As I read the estimate of 17,680,000 for our population on July 1 of this year, I had a tinge of satisfaction because at the rate we have grown these last 20 years, we are bound to have 20 million people in 1967, the end of the 25-year period covered in my forecast.

When I was a freshman at the university, I heard that great Englishman, Lord James Bryce, who wrote the "American Commonwealth," speak at the graduation exercises. What he said made a profound impression on me. At that time, he predicted that we would have 50 million people in California, and he challenged the graduating class to ascertain what the growth and acquisition of wealth in California was doing for the lives of the people. That is exactly our problem today. To a young freshman who had come from the then little town of Bakersfield, which was merely an oasis in a great area of sagebrush, this was an exciting prediction. However, I was prepared for it because a few years before my father had taken me to hear a famous lecturer on the chautauqua circuit. The subject of the lecture was "Acres of Diamonds." He told the story of a farmer in ancient Persia. The man was a prosperous farmer. He had good vines and trees and livestock. He was comfortable in every respect and happy with his lot. One day a stranger came to his home, and told him a story of how the world was created and how diamonds were formed in the creation. He said that a diamond was but a congealed drop of sunlight, and told of their great beauty and value. That night the farmer did not sleep because of his excitement, and he determined that he would search for diamonds and the wealth they would bring him. He immediately became unhappy with his lot as a farmer, sold his farm, sent his family to his relatives, and started out in the world to find a diamond mine. He traveled the world over, and finally when he was penniless and ill he destroyed himself by walking into the sea. In the meantime, the man who had bought the farm from him found a stone glistening in the stream on the property. It was later identified as a diamond, and his farm became the great diamond mine which for centuries supplied the jewels for the royalty of the world. The moral of his story, of course, was that we need not go away to

search for diamonds; they surround us if we will but look for them. I remember that this lecture was delivered at the time when so many of our people were rushing up to Alaska in search of gold. I saw a number of them return emptyhanded to our little city. In the meantime, the great oil fields of Kern County had been discovered, and water had been brought to the arid soil making a garden spot out of what had been desert.

I have always remembered that lecture and I have always applied it to California. I still apply the moral of it to those who have the privilege of living here. The greatest diamond which has been discovered here is the University of California. It has brought enlightenment to every part of our State. It has prepared us for every opportunity which has presented itself. For almost 100 years, it has trained young men and women to assume the responsibilities of citizenship in this great State. It has prepared every element of our society for the problems they must meet. And now it is taking the leadership in meeting the challenge of the future of our cities. In this fast moving and ever changing world, it is one of the greatest challenges that confront us. I am happy that the university is accepting this challenge, and I am sure that now it has put its shoulder to the plow in this field it will not turn back. The university is the logical agency to supply this leadership. It can bring together all the disciplines that can evaluate the elements for the good life. It is statewide in its interests and its influence. It has the confidence of the people of California. It has the backing of an understanding State government. The Governors and legislatures have always trusted it. Now it has the greatest aggregation of scholars ever to be assembled in this country. It has a vision for the future of our State. If we continue to support it in proportion to the growth of California, it will always be the greatest diamond of all to come from our acres of diamonds.

[From the Washington Post, Oct. 5, 1963]

ANNIVERSARY

Ten years ago this day, Earl Warren took his seat as Chief Justice of the United States. No decade in American history has brought to the Supreme Court such a diversity of deeply troublesome and controversial questions—questions made troublesome and controversial in large measure because they had been long ignored by the Court and allowed to fester.

Racial segregation, for example, was allowed for three-quarters of a century to corrupt American social and economic life through adherence to the transparently false "separate but equal" gloss until the "Warren" Court at last set it straight in the school decisions of 1954. Gross inequities in State districting were permitted to impair political equality for many years on the basis of a fiction that they lay beyond judicial jurisdiction until recently the Court recognized that they involved a plain denial of constitutional rights. Some extremely lax State practices respecting the admissibility of evidence obtained in violation of the fourth amendment were tolerated out of deference to States rights until just lately the Court said firmly that it would hold State trials to Federal standards.

Most important of all, perhaps, is the fact that the Court grasped the nettle of church-state relations in the public schools. Various forms of religious observance were so commonplace in the schools that the wall of separation between church and state was in grave danger of crumbling until the Court resolutely recalled that the first amendment imposes on the American Government an absolute neutrality in all matters of religion.

Because all four of these major decisions came tragically late, they ran counter to settled convictions and rooted practices among many Americans. Thus they brought down upon the Court a storm of abuse and attack. It was a piece of magnificent good fortune that the chief justiceship was held during this trying period by a man of exceptional poise and strength and understanding. Knowing that it is the function of the Supreme Court at times to check the popular will, Chief Justice Warren has gone about his high duties with quiet equanimity. He can be sure that in the perspective of history he will have the deep gratitude of his countrymen. We wish the country a long continuation of his superb public service.

[From the Washington Daily News, Sept. 30, 1963]

EARL WARREN'S 10 YEARS

Ten years ago this week a husky, friendly man resigned as Governor of California and took a seat in Washington as Chief Justice of the United States.

Earl Warren had been one of the most popular politicians in the booming Western State, having been elected once as attorney general and three times as Governor—once with the nominations of both major parties. He had been his home State favorite son for President at three Republican conventions.

But as Chief Justice his popularity has been punctured by the series of controversial opinions handed down by the Court—especially the school desegregation opinions which he wrote in 1954 but on which the Court was unanimous.

The Chief Justice's adversaries, who are vehement and emotional, blame him for everything the Court has decided although there are eight other highly independent Justices.

It is possible, and reasonable, to disagree with some of the Chief Justice's opinions. On occasion, in these columns, we have. So, most of the time, have one or more of his colleagues on the high bench. It is more difficult, but possible and reasonable, to disagree with some of his philosophy (as against his interpretation of the law).

But it is not reasonable to question Chief Justice Warren's sincerity. He is a man of great heart and courage. He is the same husky, friendly man who used to be Governor of California. High position has not changed his principles or his humility. He has weathered the barbs (many of them personally vicious) which resulted from controversial decisions with fine dignity and undiminished belief in what he has done.

We think it is timely and eminently appropriate to speak well of him today.

[From the St. Louis Post-Dispatch, Sept. 27, 1963]

TEN BRIGHT CANDLES

His native State honored Chief Justice Earl Warren on the 10th anniversary of his appointment to the Supreme Court, yet if anything he was honored more by the High Court itself. Seven of the Associate Justices were present as Justice Warren addressed the California Bar Association in San Francisco. It was a mark of respect properly due a man who has led the Court in some of its most difficult years and against some of the bitterest criticism of it, and to the critics the Chief Justice had wise words to say.

The civil rights issues that have led to so much hostility toward the Court are worldwide in their implications, he said. They are part of a demand for individual and national freedom that is growing across the globe. Respecting America alone, however, these issues arrive at the Supreme Court uninvited. The Court does not initiate them, but as a court of review it cannot with justice ignore

them or stand on old precedents against which the very times protest. If the Court blocked changes it would be unjust.

Finally, the Chief Justice offered sound advice to States rights advocates. If the State courts were vigilant in protecting individual liberty, he said, they would have no trouble with the Federal courts. It is State neglect, in law as in other fields, that has invited or commanded Federal action. As Governor of California, Justice Warren saw to the rights and responsibilities of his State. As Chief Justice, he has for a decade seen to the liberties of the American people.

[From the Los Angeles Times, Sept. 30, 1963]

WARREN BEFORE THE BAR

Chief Justice Warren's statement before the California bar's convention last week was, in a way, a reply to the loud minority crying for his impeachment, but it will also be of permanent usefulness to the political scientists.

The Supreme Court, the Chief Justice was saying, is a creature (or victim) of its time, like the other limbs of Government. It is not elected, of course, but it stands neck-deep in the same currents that swirl around legislators and Presidents, holding its ammunition over its head and trying to keep it dry.

In his apology for the Court, Mr. Warren noted that it does not generate the cases it decides. "We [the Court] can reach for no cases," he said. "They come to us in the normal course of events or we have no jurisdiction. When they do come to us we decide them or we do not perform our duty."

The main reason for so many civil rights cases (he sometimes uses the expression "human rights") is that the "very atmosphere we live in is charged with that subject." This is self-evident. The critics of the Court do not distinguish in their faultfinding between the matters forced on its consideration and its decisions in these cases.

It is every American's right to disagree with the Court majority if he chooses, but he is very wrong when he charges in his posters and pamphlets that the Court conspires to change the course of our political, social, and economic life by deliberately selecting cases which will have the greatest influence for change.

Mr. Warren implied that the Court would be happier if the State supreme courts would ease the burden of these invidious cases and soften the charge that it invades State rights.

"Where the supreme court of a State is vigilant of its protection of constitutional rights," he said, "as is the Supreme Court of California, few differences arise between it and the Supreme Court of the United States."

He could have made that statement more comprehensive, although it might not have been seemly for him to point out that if the legislative branch—Congress and the State legislatures—did its statutory duty, the Court, or the courts, would not be perpetually occupied with "making law" rather than interpreting it.

He did say that those who have long been deprived of equality "are now testing all our institutions to make sure that they, too, will be the beneficiaries" of them. Most of the testing, while the executive and legislative branches are less zealous than they should be, is bound to be done in the courts.

How else could it be done?

[From the San Francisco Chronicle, Sept. 27, 1963]

WARREN REPORTS ON THE COURT

Anything that a Justice of the U.S. Supreme Court says about its work is rare news, because the members of the Court seldom break the silence that surrounds their way of working together. Chief Justice Earl Warren's speech to the State bar Wednesday

night was thus an extraordinary, immensely valuable contribution to the public's understanding of the Court.

Do the Justices feud? The Chief Justice disposed of this recurrent rumor by his remark that he could count "on the fingers of one hand" the occasions over the past 10 years when there has been a flareup of temperament in the conferences of the Justices. These have never been more than passing clashes of the moment, he said.

His main theme, however, was not to put "imaginary feuds" at rest, but to show how heavily involved the Court has become in the American struggle to protect all citizens equally in their rights. Of 120 decisions handed down by the Court in a recent year, the Chief Justice said, 54 dealt with these rights, and the cases came up in that volume because the "atmosphere in which we live" is charged with the demand for equality.

It is not the Court which is responsible for these controversies, but the failure of local, State and Federal Governments to live up to the Constitution; for it is the Constitution which both defines equal rights under the law and provides the means for vindicating them where they are denied.

The Court is frequently charged with invading States rights, Chief Justice Warren noted. His reply will bear pondering by lawyers and judges in the States-rights States: "Where the supreme court of a State is vigilant in its protection of constitutional rights (as is the Supreme Court of California), few differences arise between it and the Supreme Court of the United States."

This was not only a profound reminder to the courts of other States, but a high and particular compliment to the California Supreme Court. As a Californian, Chief Justice Warren expressed his pride in offering it, and by the same token, Californians should be gratified to hear it from the Nation's head judge.

[From the San Jose Mercury, Sept. 27, 1963]

WARREN AND LAW

California this week is basking in the reflected glory of Chief Justice Earl Warren's "10 years of honorable and illustrious service," to borrow Senator THOMAS KUCHEL's phrase.

It was 10 years ago that President Eisenhower named the then Governor of California to be Chief Justice of the United States.

Apparently it is Warren's destiny to be in the forefront of social change. It was during his governorship that California's population boom got rolling at full speed. He did a remarkable job of gearing the State's antiquated governmental machinery to the needs of the day.

As Chief Justice, of course, Warren has provided leadership in a Supreme Court that has brought on a revolution in the field of human rights. His performance leaves no doubt he will go down in history as one of the Nation's strong Chief Justices. Inevitably his career on the Court has made him a controversial figure. Strong State rights advocates as well as the lunatic fringe of the political rightwing have singled the Chief Justice out for vicious attacks.

Warren took the occasion of the State Bar Association meeting in San Francisco this week to explain his interpretation of the inscription over the entrance to the Supreme Court: "Equal Justice Under Law."

The purpose of the Constitution is the protection of the rights of the individual. The United States attempts to reach this goal through a concept of law which "distinguishes us from every totalitarian nation," said Warren.

"It is the heart of government in community, State and Nation. But in order for the concept to be meaningful, it must be translated into realities in the everyday living of our people."

[From the Sacramento Bee]

CONSTITUTION REMAINS LIVING INSTRUMENT IN WARREN COURT

The U.S. Supreme Court seldom has been under more emotional siege than is the present Court presided over by Chief Justice Earl Warren. One almost has to go back to the era of John Marshall in the early 1800's to find a comparison.

There are many similarities between both the Courts of Warren and Marshall and the men, Marshall and Warren. Marshall did not hesitate as Chief Justice to involve the Court in matters of the day, controversial though the decisions might be, and neither has Warren. Warren has an almost fierce dedication to the place and the integrity of the Court in American life, and so did Marshall.

It was Marshall who raised the prestige and the power of the Court and molded the American practice and image by the breadth and wisdom of his interpretations, despite quarrels with Presidents and embittered factions of the public. Before Marshall the Court was almost a disaster, a timid third person in government; under Marshall the Court took for itself the indisputable right to review Federal and State laws and pronounce final judgment in constitutionality. The Constitution, under its consideration, became a precise document and a living instrument, a guiding force in American life, not a thing for interpretation by any President or any Congress.

Warren has extended the Marshall doctrines by bringing the Court to face up to persistent and challenging questions of the times: The rights of the Negro; the separation of church and state; the relationship of the States and the Federal Government; the right of the citizen to seek redress in this involved age of government. Under Warren the Constitution again has become a precise and a living instrument and a guiding force and a document to be interpreted by a single standard reading with meanings the same for one as for all.

It is not for judges to listen to the voice of persuasive eloquence or popular appeal, as Justice Joseph Story once observed; the Court's duty, its province, as Justice Roger Taney said in another opinion, is to expound the law, not to make it.

If the judicial power falls short of giving effect to the laws of the Union, as they are written and not as one or another faction might wish to interpret them, the existence of the Federal Government is doomed. As Justice Benjamin Cardozo once said, since the courts are creatures of the state and its power while their life as courts continues, they must obey the law of their creator.

In faithfully interpreting the law, as the Warren Court has in the fundamental and explosive issues involving the rights of all and the separation of church and state, the judiciary in the highest sense remains a guardian of the conscience, just as much as a guardian of the law.

Justice William O. Douglas once said the strength of the judiciary is in the command it has over the hearts and the minds of men; only so long as it commands the mind and the heart will the Court survive as an institution.

Meantime, the controversy over the Warren Court continues. Men too blind to see that if the rights of a few are prejudiced the rights of all are in danger would impeach Warren; their hate is naked.

Marshall too was hated. In his time he perhaps was the most despised man in American life, in some quarters.

Now as then the provincial may protest and the angry declaim but the Court—because of men like Marshall and Warren—remains what it was intended to be, the faithful, final interpreter of the law as the law is written, and a place where none is turned away and where all are heard with equal patience and sympathy.

[From the Sacramento Bee, Sept. 27, 1963]
WARREN GIVES BRILLIANT DEFENSE OF VITAL LAW

U.S. Chief Justice Earl Warren's speech in San Francisco should put to shame the rightist radicals who have asked for his impeachment. It was not a cold and remote defense of himself or against attacks on the Court. His response showed the law can be presented in human, warm terms far broader and more sagacious than might be used by those defending the Court against the raging controversy around it with cloud seven detachment.

Warren took particular note of rumors the Court is driven by internal controversies. Of course, such rumors are part of the general attack on the Court once so sacrosanct to reactionaries and so dispensable to them now that it is showing heart for the common man.

Warren denied without rancor that there exists any destructive division within the Court. Then he turned the rumors against their mongers in a classical parry.

Said Warren:

"Dissent is not a vice. Properly used it is in the best tradition of the Court."

The Chief Justice said American jurisprudence would have been sterile but for the dissents of Oliver Wendell Holmes and Louis Brandeis.

In practically all branches of life there are growth, progress, and vigor in the clash between the majority and the minority. Those who find in dissent within the house of the law some great peril would detach law from life, from the needs of the people and from the need for correction of its past mistakes. Judges do not put on infallibility when they don their judicial robes. They are still men dealing, not with a dead thing, but with a living organism.

Warren's great service in his San Francisco speech was that he vitalized the law, presenting it as something written by men, not in the dead embers of absolutism, but in the living fire of minds clashing in creative purpose.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an additional 5 minutes be allotted outside the time limitation for the purpose of bringing before the Senate items on the calendar to which there is no objection, beginning with Calendar No. 541, and following in sequence.

The VICE PRESIDENT. Without objection, it is so ordered.

CANCELLATION AND DEFERMENT OF CERTAIN IRRIGATION CHARGES

The bill (H.R. 641) to approve an order of the Secretary of the Interior canceling and deferring certain irrigation charges, eliminating certain tracts of non-Indian-owned land under the Wapato Indian irrigation project, Washington, was considered, order to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 563), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The twofold purpose of H.R. 641, is (1) to approve an order of the Secretary of the Interior canceling and deferring certain de-

linquent irrigation charges and penalties amounting to \$4,494.58 and \$10,356.03, respectively, owed by non-Indian landowners served by the Wapato Indian irrigation project, Washington, and (2) to eliminate 78.12 acres of nonirrigable land from that project.

NEED

Enactment of this bill is needed to complete the action taken with respect to the Wapato project by the Secretary of the Interior under authority of the act of June 22, 1936 (49 Stat. 1803, 25 U.S.C., 389-389e). That act directed the Secretary "to determine whether the owners of non-Indian lands under Indian irrigation projects * * * are unable to pay irrigation charges" and, if so, to cancel or defer such charges. It also authorized him to eliminate permanently nonirrigable land from the project. Section 6 of the same act, however, provides that his actions under it should not be finally effective until approved by act of Congress. A summary of the Secretary's determinations is contained in the departmental report appended hereto. His action in this case is complementary to similar action already taken with respect to Indian-owned land under the project and to the provisions of the act of September 26, 1961 (75 Stat. 680), under which a final determination of the costs of the project and an allocation of those costs to the lands served by it were made.

COST

H.R. 641 will require no Federal expenditure. It will, however, cancel and defer payment of irrigation charges as heretofore stated.

WITHDRAWAL AND RESERVATION FOR THE NAVY OF CERTAIN PUBLIC LANDS

The bill (H.R. 4588) to provide for the withdrawal and reservation for the Department of the Navy at Mojave B Aerial Gunnery Range, San Bernardino County, Calif., and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 564), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED

H.R. 4588 describes the Mojave B Aerial Gunnery Range, which has been used by the Department of the Navy since 1942 following issuance of a permit by the Department of the Interior during the then existing unlimited national emergency. Following termination of the emergency period in 1952, an application was made to the Department of the Interior in 1953 for the withdrawal and reservation of the area. Before the withdrawal was completed, the act of February 28, 1958 (72 Stat. 27), became effective. It provides, among other things, that no withdrawal of more than 5,000 acres for a defense project or facility may be accomplished except by act of Congress.

During consideration of the bill, which was submitted as part of the Department of Defense legislative program for 1963, Navy witnesses demonstrated to the committee's full satisfaction the military need for use of the lands involved.

A House committee amendment limits the proposed withdrawal to 10 years with option to renew for an additional 5 years. Even though the Navy currently foresees a permanent requirement for the Mojave B Aerial Gunnery Range, the committee believes that

the period of withdrawal should be limited in order to assure periodic review of that requirement at the higher levels of Government. This assures administrative review 10 years from now, and a further review at the end of 15 years. If the Navy then desires to extend its use beyond this term, it will have to request further legislative action, thereby assuring congressional scrutiny of the necessity of such continued use.

COST

Enactment of H.R. 4588 will cause no increase in the budgetary requirements of the executive departments at this time. It is possible that, if present procedures are modified, additional funds may be required when military use of the property ends in order to effect a desirable degree of decontamination and deduinding. The amount likely to be required cannot be determined at this time.

BIG FLAT UNIT OF MISSOULA VALLEY PROJECT, MONTANA

The bill (S. 1637) to approve the January 1963 reclassification of land of the Big Flat unit of the Missoula Valley project, Montana, and to authorize the modification of the repayment contract with the Big Flat Irrigation District was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to negotiate and execute an amendatory contract amending the existing repayment contract between the United States and the Big Flat Irrigation District dated April 2, 1945, by reducing the construction charge obligation of the district in the amount of \$7,190, representing the unmatured charges as of December 30, 1962, against one hundred and sixty-four and three-tenths acres of irrigable land presently classified as nonproductive. The reclassification of the lands of the Big Flat unit of the Missoula Valley project, Montana, dated January 1963, is hereby approved.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 565), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

HISTORY

The Big Flat unit of the Missoula Valley project was authorized by the President on May 10, 1944, pursuant to the Water Conservation and Utilization Act of August 11, 1939, as amended. The unit is located on the west side of the Clark Fork River about 7 miles west of Missoula, Mont. Construction of works was begun in 1945 by the Bureau of Reclamation to develop a water supply for 900 acres of new land at a cost of \$278,282.

PURPOSE

The proposed legislation would authorize the Secretary of the Interior to negotiate and execute an amendatory contract with the Big Flat Irrigation District. The amendatory contract would reduce the construction charge obligation of the district in the amount of \$7,190, which represents the unmatured charges as of December 30, 1962, against 164.3 acres of land which have been classified as permanently nonproductive. Also, it would approve the January 1963 reclassification of lands of the Big Flat unit which determined that this acreage was nonproductive.

Enactment of the bill would authorize a reduction in the total obligation of the district from \$41,343 to \$34,153 or \$7,190. The remaining obligation of the district will be rescheduled over the 31 years remaining in the initial 40-year repayment period. It will also enable the Big Flat Irrigation District to become current in its payments, and it is expected to remain current thereafter.

The committee recommends enactment of S. 1687.

The bill will not require the expenditure of any Federal funds.

CONTRACT NEGOTIATED WITH THE NEWTON WATER USERS' ASSOCIATION, UTAH

The bill (S. 1584) to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proposed contract designated "R.O. Draft 1/31/63; Rev. 3/12/63," negotiated by the Secretary of the Interior with the Newton Water Users' Association, Utah, to extend the period for repayment of the reimbursable construction cost of the Newton project and to establish a variable repayment schedule is approved and the Secretary of the Interior is hereby authorized to execute such contract on behalf of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 566), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill would approve a contract heretofore negotiated between the Department of the Interior and the Newton Water Users' Association of Utah. It would establish a variable repayment schedule for the construction charge allocated to irrigation based on \$1.75 per acre-foot for the project water actually delivered to the users.

Because of the continuing extreme water shortage experienced on the project the formula is expected to extend the existing 40-year repayment schedule an estimated 5 or 6 years.

The repayment period will depend on the availability of water. It could be more or less than the estimate. The area has been subject to a continuous dry cycle and the users of the water from the Newton Dam have not been able to get the amount of water that was estimated to be delivered. As a result, the farmers have not been able to mature their crops and thus have not been able to keep up the repayment schedule.

COST

The bill will not require the expenditure of any Federal funds. It will extend the payout period for a short time.

DEFERMENT OF CERTAIN CHARGES OF EDEN VALLEY IRRIGATION AND DRAINAGE DISTRICT

The Senate proceeded to consider the bill (S. 1299) to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District, which had been reported from the Com-

mittee on Interior and Insular Affairs, with amendments, on page 1, line 5, after the word "the", to strike out "last one-half of calendar year 1963 as shown in the April 16, 1962, notices of 1963 water charges" and insert "first one-half of calendar year 1964 as shown in the May 17, 1963, notices of 1964 water charges"; in line 11, after the word "to", to strike out "June 1, 1963" and insert "December 1, 1963"; and on page 2, line 5, after the word "the", to insert "last one-half of"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to defer, without interest, the collection of irrigation operation and maintenance charges due for the first one-half of calendar year 1964 as shown in the May 17, 1963, notices of 1964 water charges to the Eden Valley Irrigation and Drainage District: Provided, That the Secretary and the district enter into a contract prior to December 1, 1963, for the payment by the district of such deferred charges during the sixty-year repayment period provided by the repayment contract of June 8, 1950, with said district: Provided further, That the Secretary of the Interior is authorized to defer all or any part of operation and maintenance charges due for the last one-half of calendar year 1964, to the extent that he determines that the water supply is inadequate to meet project needs, such deferment without interest, to be contingent upon the Secretary and the district entering into a contract prior to June 1, 1964, for the payment by the district of such deferred charges over the repayment period provided by the repayment contract herein referred to. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for operation and maintenance of the Eden project to the extent that funds for operation and maintenance are deferred hereunder and therefore are not advanced by the Eden Valley Irrigation and Drainage District.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 567), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The Eden project in Sweetwater County, Wyo., was approved for construction by the President on September 18, 1940, under the water conservation and utility provision of the Interior Department Appropriation Act of 1940 and reauthorized in 1949. The project was completed in 1959.

The settlement of the Eden project coincided with 4 consecutive years of near-record low streamflows. Drought conditions have imposed unreasonable hardships upon the project farmers.

Increasing operation and maintenance costs and lowered crop production, together with an inadequate water supply have so adversely affected the economic status of the settlers that they are without funds to meet their payments.

In an effort to seek a remedy to conditions on this and other Wyoming projects the House Interior and Insular Affairs Committee, suggested the appointment of a review commission to study the situation in that

State. The survey team was appointed and has reported on several of the projects. It is anticipated that further legislation will be before the Congress that will furnish a permanent solution to the problems that face these irrigation districts.

The bill will not require the expenditure of any Federal funds.

BILLS PASSED OVER

The bill (S. 2100) to continue certain authority of the Secretary of Commerce to suspend the provisions of section 27 of the Merchant Marine Act, 1920, with respect to the transportation of lumber, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (H.R. 75) to provide for exceptions to the rules of navigation in certain cases was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

CHANGE OF NAME OF ANDREW JOHNSON NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 1243) to change the name of the Andrew Johnson National Monument, to add certain historic property thereto, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 12, after the word "east", to strike out "94.3" and insert "93.4"; in line 19, after the word "There", to strike out "are" and insert "is"; and in the same line, after the word "appropriated", to strike out "such sums as are necessary to carry out the purposes of this Act" and insert "not to exceed \$50,000 for acquisition of property under this Act"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Andrew Johnson National Monument established by Proclamation Numbered 2554 of April 27, 1942 (56 Stat. 1955), pursuant to the Act of August 29, 1935 (49 Stat. 958), is hereby redesignated the Andrew Johnson National Historic Site.

Sec. 2. The Secretary of the Interior may procure with donated or appropriated funds, by donation, or by exchange the following described lands, or interests therein, located in Greeneville, Tennessee, and when so acquired such lands shall become a part of the Andrew Johnson National Historic Site:

Beginning at a point which is the intersection of the east right-of-way line of College Street and the north right-of-way line of Depot Street;

thence continuing along the north right-of-way line of Depot Street south 62¼ degrees east 165 feet to its intersection with the west side of Academy Street;

thence leaving the north right-of-way line of Depot Street and continuing along the west right-of-way of Academy Street north 38 degrees east 93.4 feet to a point;

thence leaving the west right-of-way of Academy Street north 64¼ degrees west 184 feet to a point on the east right-of-way line of College Street;

thence with the east right-of-way line of College Street south 25¼ degrees west 83.7

feet to the point of beginning, containing 0.35 acre, more or less.

Sec. 3. There is authorized to be appropriated not to exceed \$50,000 for acquisition of property under this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 570), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND

The Andrew Johnson tailor shop at Greeneville, Tenn., was acquired, enclosed in a larger brick structure and presented to the United States by the State of Tennessee. The tailor shop, where the former President was taught to read and write by Mrs. Johnson while he was engaged at his work, was designated, together with the cemetery in which he is buried nearby, as the Andrew Johnson National Monument and so established by Proclamation No. 2554 of April 27, 1942, pursuant to an act of Congress signed August 29, 1935.

The monument had 48,909 visitors in 1962. Parking facilities are inadequate for present attendance levels, and it is growing.

The Andrew Johnson home, located directly across the street from the tailor shop, was built by the former President and occupied by him from 1838 to 1851 while he was a member of the State senate and the House of Representatives for four terms.

PURPOSE OF ACQUISITION

Acquisition of the Johnson home will not only add a historic house to the Andrew Johnson site but protect the present tailor shop from potential undesirable adjacent development and afford an opportunity to provide more adequate parking facilities for visitors. Additionally, the National Park Service feels it would make possible a more complete portrayal of President Johnson's early life in Greeneville.

COST

Besides the approximate \$50,000 acquisition cost for the home, the Department of Interior estimates that restoration of the home and development of the parking area will cost approximately \$10,000 and that annual maintenance and administration of the monument will increase \$1,500 a year.

CHANGE OF NAME

The bill changes the name of the Andrew Johnson National Monument to the Andrew Johnson National Historic Site in keeping with a policy of giving uniform designations to areas of like character and national significance which accurately portray to citizens the true nature of the establishment.

HOT WIRE IS A-1 DEFROSTER

Mr. YOUNG of Ohio. Mr. President, a year ago this month America's greatest cold war triumph came when Khrushchev turned tail and withdrew his offensive missiles from Cuba. This victory was due to President Kennedy's firm, determined, and unyielding action toward Khrushchev and Castro, and to the wholehearted support given him at the time by all Americans.

Still another reason for our success was the fact that throughout that crisis our Government and that of the Soviet Union were in constant communication

as the world teetered on the verge of nuclear war. One lesson we learned from that experience is the importance of maintaining readily accessible communications between our President and the leader of the Soviet Union.

To facilitate this, negotiations were conducted for the establishment of a direct telecommunications link, or so-called "hot line," between the Kremlin and the White House. Despite months of setbacks and discouragements, an agreement was finally reached, and this so-called "hot line" is presently in effect. It enables our President to confer informally and privately with Khrushchev at any time, day or night, speedily, directly, and effectively. This marks a new era in diplomacy.

Recent events have proven the wisdom of this action and also the necessity for improving communications between officials of the two Governments at lower levels. It is reported that one reason for the recent tense situation, when one of our military convoys was halted for a matter of hours on its way to West Berlin, was the lack of swift communications between military commanders representing the United States and our West European allies in Germany and their Soviet counterparts in East Berlin.

Alvin Silverman, chief of the Washington bureau of the Plain Dealer, one of the great newspapers of our Nation, discussed this problem on October 16 in an excellent column entitled, "Hot Wire Is A-1 Defroster." Mr. Silverman points out the fact that after receiving an oral protest from Secretary of State Rusk, the Soviet Ambassador to the United States required the assistance of the State Department in order to secure a radio-telephone connection to Moscow without delay.

Mr. President, I ask unanimous consent to have this article printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOT WIRE IS A-1 DEFROSTER

(By Alvin Silverman)

WASHINGTON.—Just about a year ago the world was on the verge of nuclear annihilation.

Russian missiles were pointed at the United States from Cuban emplacements. This country demanded their immediate removal and backed up its unmistakable words with the establishment of a naval blockade quarantine. The weapons were dismantled, presumably shipped back to the Soviet Union, along with some of their operators, and the spine-chilling crisis passed.

Looking back on the incident, knowledgeable observers are pretty much in agreement that two factors mainly caused the sane settlement.

One was the firmness of President Kennedy and the undivided Nation that supported him. The other, less publicized and perhaps still not recognized for its importance, was that the Governments of the United States and the Soviet Union did not break off relations but, instead, kept in close contact with each other throughout the crisis.

From the American and Soviet leaders' realization of how very close calamity had been came to a decision to set up a system that would allow the U.S. President and the Soviet chief to communicate almost instantly.

It took some time to work out the highly complicated procedure but there now is a so-called hot wire between the White House and the Kremlin.

And it's a lucky thing there is.

One of the main causes of the tense situation that developed last week on the Berlin autobahn was communications failures on the local level.

Western military commanders in Germany had some difficulty reaching their Soviet counterparts.

As a matter of fact, after receiving an oral protest from Secretary of State Dean Rusk, the Soviet Ambassador to the United States, Anatoly F. Dobrynin, needed the assistance of the State Department to get a radio-telephone connection to Moscow.

The Berlin blockade of the American military convoy demonstrated again how inflammable the deadlock there between the United States and the U.S.S.R. still is.

A number of reasons have been offered to explain why the Russians, at a time they seemingly were seeking a thaw in the cold war, would let a misunderstanding between local military commanders develop to such a serious point.

One is that the Soviets wished to emphasize that they have not changed their tough attitude in respect to West Germany and Berlin.

Another is that the Soviets were probing to see if the United States might be a little softer now that there is a prospect for peace talks. If there is to be what the diplomats call a detente, how "detentish" is America today?

Still another is that the situation got out of hand.

Whatever the real reason, official Washington and, undoubtedly, official Moscow, too, now are taking a close, quiet look at how communications on the lower levels can be improved, along the lines of the hot wire.

ADDRESS BY PRESIDENT KENNEDY AT UNIVERSITY OF MAINE

Mr. MUSKIE. Mr. President, on Saturday, October 19, 1963, the State of Maine was honored by a visit by the President of the United States. He spoke at a special convocation at the University of Maine and made an aerial inspection of the Passamaquoddy Bay area, site of the proposed tidal power project.

Citizens of Maine from all walks of life and from both political parties greeted the President enthusiastically. He was accompanied on the trip to Maine by my senior colleague [Mrs. SMITH], by the Congressman from the First District of Maine [Mr. TUPPER], and by me. He was greeted in Maine by Governor Reed and the Representative from the Second District of Maine [Mr. McINTIRE].

The President honored Maine with his presence and with a major address on foreign policy. It is a speech which has received thoughtful and favorable editorial comment.

I ask unanimous consent that the President's address at the University of Maine, two articles from the Portland, Maine, Sunday Telegram, and an editorial from the Washington Post and Times Herald be printed in the RECORD.

There being no objection, the address, articles, and an editorial were ordered to be printed in the RECORD, as follows:

ADDRESS BY PRESIDENT JOHN F. KENNEDY, UNIVERSITY OF MAINE, OCTOBER 19, 1963

In the year 1715, King George I of England donated a valuable library to Cam-

bridge University—and, at very nearly the same time, had occasion to dispatch a regiment to Oxford. The King, remarked one famous wit, had judiciously observed the condition of both his universities—one was a learned body in need of loyalty and the other was a loyal body in need of learning.

Today some observers may feel that very little has changed in two centuries and a half. We are asking the Congress for funds to assist our college libraries, including those in Cambridge, Mass.; and it was regrettably necessary on one occasion to send troops to the campus at Oxford, Miss. And, more generally speaking, critics of our modern universities have often accused them of producing either too little loyalty or too little learning. But I cannot agree with either charge. I am convinced that our universities are an invaluable national asset which must be conserved and expanded. I am deeply honored by the degree you have awarded me today—and I think it is appropriate that I speak at this university, noted for both loyalty and learning, on the need for a more exact understanding of the true correlation of forces in the conduct of foreign affairs.

One year ago, this coming week, the United States and the world were gripped with the somber prospect of a military confrontation between two great nuclear powers. The American people have good reason to recall with pride their conduct throughout that harrowing week. For they neither dissolved in frightened panic nor rushed headlong into reckless belligerence. Well aware of the risks of resistance, they nevertheless refused to tolerate the Soviets' attempt to place nuclear weapons in this hemisphere—but recognized at the same time that our preparations for the use of force necessarily required a simultaneous search for fair and peaceful solutions.

The extraordinary events of that week and the weeks that followed are now history—a history which is differently interpreted, differently recounted and differently labeled among various observers and nations. Some hail it as the West's greatest victory, others as a bitter defeat. Some mark it as a turning point in the cold war, others as proof of its permanence. Some attribute the Soviet withdrawal of missiles to our military actions alone, while some credit solely our use of negotiations. Some view the entire episode as an example of Communist duplicity, while some others abroad have accepted the assertion that it indicated the Soviets' peaceful intentions.

While only the passage of time and events can reveal in full the true perspective of last October's drama, it is already clear that no single, simple view of this kind can be wholly accurate in this case.

While both caution and commonsense proscribe our boasting of it in the traditional terms of unconditional military victory, only the most zealous partisan can attempt to call it a defeat. While it is too late to say that nothing has changed in Soviet-American relations, it is too early to assume that the change is permanent. There are new rays of hope on the horizon—but we still live in the shadow of war.

Let us examine the events of 12 months ago, therefore—and the events of the past 12 months—and the events of the next 12 months—in a context of calm and caution.

It is clear that there will be further disagreements between ourselves and the Soviets as well as further agreements. There will be setbacks in our Nation's endeavors on behalf of freedom as well as successes. For a pause in the cold war is not a lasting peace—and a detente does not equal disarmament. The United States must continue to seek a relaxation of tensions—but we have no cause to relax our vigilance.

A year ago it would have been easy to assume that all-out war was inevitable—

that any agreement with the Soviets was impossible—and that an unlimited arms race was unavoidable.

Today it is equally easy for some to assume that the cold war is over—that all outstanding issues between the Soviets and ourselves can be quickly and satisfactorily settled—and that we shall now have, in the words of the psalmist, an "abundance of peace so long as the moon endureth."

The fact of the matter is, of course, that neither view is correct. We have, it is true, made some progress on a long journey. We have achieved new opportunities which we cannot afford to waste. We have concluded with the Soviets a few limited, enforceable agreements or arrangements of mutual benefit to both sides and the world.

But a change in atmosphere and emphasis is not a reversal of purpose. Mr. Khrushchev himself has said there can be no coexistence in the field of ideology. In addition, there are still major areas of tension and conflict, from Berlin to Cuba to southeast Asia. The United States and the Soviet Union still have wholly different concepts of the world, its freedom and its future. We still have wholly different views on so-called wars of liberation and the use of subversion. And so long as these basic differences continue, they cannot and should not be concealed; they set limits to the possibilities of agreement; and they will give rise to further crises, large and small, in the months and years ahead, both in areas of direct confrontation—such as Germany and the Caribbean—and in areas where events beyond our control could involve us both—areas such as Africa, Asia, and the Middle East.

In times such as these, therefore, there is nothing inconsistent about signing an atmospheric nuclear test ban, on the one hand, and testing underground on the other; about being willing to sell to the Soviets our surplus wheat while refusing to sell strategic items; about probing their interest in a joint lunar landing, while making a major effort to master this new environment; or about exploring the possibilities of disarmament while maintaining our stockpile of armaments. For all of these moves, and all other elements of American and allied policy toward the Soviet Union, are directed at a single, comprehensive goal—namely, convincing the Soviet leaders that it is dangerous for them to engage in direct or indirect aggression, futile for them to attempt to impose their will and their system on other unwilling peoples, and beneficial to them, as well as all the world, to join in the achievement of a genuine and enforceable peace.

While the road to that peace is long and hard, and full of traps and pitfalls, that is no reason not to take each step we can safely take. It is in our national self-interest to ban nuclear testing in the atmosphere so that all our citizens can breathe easier.

It is in our national self-interest to sell surplus wheat in storage to feed Russians and Eastern Europeans who are willing to divert large portions of their limited foreign exchange reserves away from the implements of war. It is in our national self-interest to keep weapons of mass destruction out of outer space—to maintain an emergency communications link with Moscow—and to substitute joint and peaceful exploration for cold war exploitation in the Antarctic and in outer space.

No one of these small advances, nor all of them taken together, can be interpreted as meaning that the Soviets are abandoning their basic aims and ambitions.

Nor should any future, less friendly Soviet action—whether it is a stoppage on the autobahn, or a veto in the U.N., or a spy in our midst, or new trouble elsewhere—cause us to regret the steps we have taken. Even if those steps themselves should be

undone—by the violation or renunciation of the test ban treaty, for example, or by a decision to decline American wheat—there would still be no reason to regret the fact that this Nation had made every reasonable effort to improve relations.

For without our making such an effort, we could not maintain the leadership and respect of the free world. Without our making such an effort, we could not convince our adversaries that war was not in their interest. And without our making such an effort, we could never, in case of war, satisfy our own hearts and minds that we had done all that could be done to avoid that holocaust of endless death and destruction.

Historians report that in 1914, with most of the world already plunged in war, Prince Bulow, the former German chancellor, said to the then Chancellor Bethmann-Hollweg: "How did it all happen?" And Bethmann-Hollweg replied: "Ah, if only one knew." My fellow Americans, if this planet is ever ravaged by nuclear war—if 300 million Americans, Russians, and Europeans are wiped out by a 60-minute nuclear exchange—if the pitiable survivors of that devastation can then endure the ensuing fire, poison, chaos, and catastrophe—I do not want one of those survivors to ask another "How did it all happen?"; and to receive the incredible reply: "Ah, if only one knew."

Therefore, while maintaining our readiness for war, let us exhaust every avenue of peace. Let us always make clear both our willingness to talk, if talk will help, and our readiness to fight, if fight we must. Let us resolve to be the masters, not the victims, of history, controlling our own destiny without giving way to blind suspicions and emotions. Let us distinguish between our hopes and our illusions, always hoping for steady progress toward less critically dangerous relations with the Soviets but never laboring under any illusions about Communist methods and goals.

Let us recognize both the gains we have made down the road to peace and the great distances yet to be covered. Let us not waste the present pause by either a needless renewal of tensions or a needless relaxation of vigilance.

And let us recognize that we have made these gains and achieved this pause by the firmness we displayed a year ago as well as our restraint—by our efforts for defense over the last 2 years as well as our efforts for peace.

In short, when we think of peace in this country, let us think of both our capacity to deter aggression and our goal of true disarmament. Let us think of both the strength of our Western alliances and the areas of East-West cooperation.

For the American eagle on the presidential seal holds in his talons both the olive branch of peace and the arrows of military might.

On the ceiling of my office, constructed many years ago, that eagle is facing the arrows of war on its left. But on the newer carpet, reflecting a change initiated by President Roosevelt and implemented by President Truman immediately after the war, that eagle is facing the olive branch of peace. I can assure you today the eagle continues to look to the olive branch of peace. And it is in that spirit—the spirit of both preparedness and peace—that this Nation today is stronger than ever before—strengthened by both the increased power of our defenses and our increased efforts for peace—strengthened by both our resolve to resist coercion and our constant search for solutions. And in the months and years ahead, we intend to build both kinds of strength—during times of detente as well as tension, during periods of conflict as well as co-operation—until the world we pass on to our children is truly safe for diversity and the rule of law covers all.

[From the Portland (Maine) Sunday Telegram, Oct. 20, 1963]

J.F.K. SPEAKS AT UNIVERSITY OF MAINE—PEACE HOPES BRIGHTER, KENNEDY SAYS—CRISES, SETBACKS AHEAD, HOWEVER, PRESIDENT WARNS

(By Donald C. Hansen)

ORONO.—President John F. Kennedy, squinting into a bright autumn sun, told a University of Maine audience of 15,000 persons Saturday that there are new rays of hope on the horizon in the area of world peace.

The President, here on a quick flying trip to receive an honorary degree of doctor of laws, took the occasion to deliver an assessment of U.S. foreign policy during the administration.

INTERESTED IN MAN

But the shirt-sleeve, basically collegiate audience appeared less interested in the speech itself than in the man who was delivering it—the 35th President of the United States.

A mighty roar came from the record-breaking crowd as the President stepped from his helicopter at the edge of Alumni Field and strode smiling to the center of the field with University of Maine President Lloyd H. Elliott.

The audience again roared its appreciation and delight when Kennedy, following his address, stopped en route back to the helicopter to shake hands with several college students.

The President's visit was no disappointment to the crowd that jammed Alumni Field to catch a glimpse of the Chief Executive.

Kennedy broke into a broad grin when Dr. Elliott, in conferring the honorary degree, stipulated that with it went the requirement that "henceforth, wherever you may travel around the world, and in whatever circles you may find yourself—in stately halls with titled diplomats or in the playroom with Caroline and John—it will be your solemn obligation to stand and sing whenever you hear the Maine Stein song."

Then as the convocation closed with the singing of the "Stein Song," the President did his best, but it was obvious he was not as familiar with the words as others on the platform.

It couldn't have been a better day for the President's quick visit. The temperature hung in the midforties, in sharp contrast to the foggy weekend he spent in Maine last summer sailing off Boothbay Harbor.

SEVERAL PAINT

An estimated 10,000 persons filled the football field's bleacher seats and another 5,000 were jammed 20 deep behind a low retaining fence at the south end of the field. Several persons fainted from the human crush and the heat and were treated at mobile university infirmaries.

The university visit was brief. Shortly after 11 a.m., three helicopters carrying the President and his party from Dow Air Force Base, Bangor, circled the field and set down behind the football scoreboard at the north end of the field.

By noon, the President was being airborne back to Dow and the presidential jet which carried him over Passamaquoddy Bay and on to Boston for a fundraising dinner Saturday night.

The gates to Alumni Field opened at 9 a.m. Saturday and by 9:30 the homecoming weekend crowd had filled it. Additional bleachers on the west side of the field could not be used for security reasons, because they were behind the President as he spoke.

With the President was the entire Maine congressional delegation, who flew from Dow to the Maine campus with him. Gov. John H. Reed greeted the President when he landed at the field and officially welcomed him to the State.

APPLAUDS SOLONS

U.S. Air Force buses brought about 40 Washington correspondents that accompanied the President from Washington Saturday morning from Dow to the campus.

Causing almost as much of a stir as the President was May Craig, Washington correspondent for the Guy Garret Publishing Co., who accompanied the President from Dow to the campus by helicopter.

The chipper Mrs. Craig, wearing a bright red distinctive hat, was immediately recognized by the crowd as she alighted from the helicopter.

The crowd also applauded lustily as the Maine congressional delegation on the platform was introduced by Dr. Elliott. An especially enthusiastic roar went up when Democratic U.S. Senator EDMUND S. MUSKIE was introduced. Hearty applause also went to U.S. Senator MARGARET CHASE SMITH and U.S. Representatives CLIFFORD G. MCINTIRE and STANLEY R. TUPPER.

The President delivered his address after Reed extended the State's welcome and the Maine congressional delegation was introduced.

He defended the Nation's foreign policy during the past few years, an area where U.S. Senator BARRY GOLDWATER, considered a prime Republican presidential nominee, has been extremely critical recently.

Kennedy, attired in academic cap and gown as were the other platform guests, didn't mention GOLDWATER either directly or indirectly. He stuck to foreign policy exclusively and saved his political speech for the Boston dinner.

Although the President said there were some hopeful signs leading in the direction of a permanent peace, he added that basic American-Soviet differences "will give rise to further crises, large and small, in the months and years ahead."

"There will be setbacks," Kennedy said, "in our Nations's endeavors on behalf of freedom as well as successes. For a pause in the cold war is not lasting peace—and a detente does not equal disarmament. The United States must continue to seek a relaxation of tensions—but we have no cause to relax our vigilance."

Kennedy said the United States must continue to attempt to convince the Soviet leaders "that it is dangerous for them to engage in direct or indirect aggression, futile for them to attempt to impose their will and their system on other unwilling peoples and beneficial to them, as well as all of the world, to join in the achievement of a genuine and enforceable peace."

NO REGRETS

The President said that "any future, less friendly Soviet action—whether it is a stoppage on the autobahn, or a veto at the U.N." should not "cause us to regret the steps we have taken."

"Let us recognize," the President said, both the gains we have made down the road to peace and the great distances yet to be covered."

Then, as Dr. Elliott read the citation and conferred the degree, the academic hood was placed over the President's shoulders by Dr. H. Austin Peck, vice president for academic affairs and U. of M. Registrar George Crosby.

Dr. Lawrence M. Cutler, Bangor, president of the university's board of trustees, presented the President with the degree.

Before he left the platform, which was installed on the field's 50-yard stripe, the President was introduced to university trustees and faculty officials. Then he strode back down the cinder track that rings the football field and returned to Dow in his helicopter.

Dr. Elliott told the President that he was receiving the honorary degree "in recognition of what you are: the President of all the people of this land—the weak and the strong,

the white and the colored, the rural and the urban, the rich and the poor, the young and the old.

"And as you carry the lonely burdens of your high office we in Maine shall bear a very special affinity for you, John Fitzgerald Kennedy, whose name shall forever be borne upon the rolls of this university."

The President again smiled broadly when Dr. Elliott humorously noted "that your mail will now include announcements of new academic offerings, programs aimed at improving physical fitness and pleas for financial help."

All members of Maine's congressional delegation except MCINTIRE returned to Dow by helicopter with the President. MCINTIRE, a university graduate, stayed behind to participate in homecoming activities.

MEETS PARTY HEADS

At Dow, the President had a brief reception with Maine Democratic Party leaders, including State Chairman William D. Hathaway, National Committeeman Richard D. Dubord and National Committeewoman Gloria Latno.

Republican Governor Reed told the President that he was pleased that Kennedy could visit "the university where I was graduated and received the doctor of laws, which I also proudly hold."

Reed added that he was happy the President could also visit the Passamaquoddy area "that the people of Maine are so pleased you endorse."

While the overflow crowd was waiting for the President to arrive, they were entertained by high school bands from Bangor, Millinocket, Old Town, Gullford and Hermon. The 80-member University of Maine band played "Hail to the Chief," as the President walked to the platform, later the national anthem and finally the "Maine Stein Song."

[From the Portland (Maine) Sunday Telegram, Oct. 20, 1963]

PRESIDENT GETS AIR VIEW OF QUODDY PROJECT SITE

(By May Craig)

BOSTON.—President Kennedy flew over the proposed Passamaquoddy tidal power project area Saturday after delivering a major foreign policy speech at the University of Maine.

Col. Robert C. Marshall, assistant director of the Civil Workers Office of the Corps of Army Engineers, pointed out the proposed dams and other project site works for the two-pool Quoddy tide-trap, while Senators EDMUND S. MUSKIE and MARGARET CHASE SMITH briefed the President on the history and prospects for the project.

Members of Maine's congressional representation accompanied the President on the Quoddy tour in his jet plane. The trip took an hour and 15 minutes—from the time his plane took off from Dow Air Force Base, Bangor, to the time it landed at Logan Airport, Boston.

The President's plane also flew over Canada to view parts of the St. John Valley area which is included in the proposed tidal power project.

Senator SMITH, a member of the Senate Armed Services Committee, had the plane fly over the Cutler Naval Communications Station.

The President, having been in the Navy during World War II, was especially interested in this unique and highly secret installation with its forest of tall communication spires. Senator SMITH is also on the defense subcommittee of the Appropriations Committee and is intimately acquainted with defense installations.

The President asked the plane's pilot to fly over Campobello Island where the old Roosevelt home is located. The home is slated to become a United States-Canadian memorial.

The plane also flew over Herring Bay where Roosevelt used to swim and where he "caught his death" by standing around cold and wet after swimming with his sons, which led to the polio which crippled him.

The President's plane touched Logan Airport at 1:15 p.m. After checking in at the hotel, the President attended the Harvard-Columbia game in Boston.

The ball game at his alma mater was not on his announced program and he made the Quoddy trip fast and high in his jet to touch down at Logan 15 minutes earlier than his schedule called for.

Saturday night, the President attended a jam-packed reception at Sheraton-Plaza Hotel and then spoke to a large cheering crowd at the Commonwealth Armory after a dinner there estimated to sweeten the Democratic campaign treasury by at least \$500,000 after expenses.

His brothers, the Attorney General and Senator EDWARD KENNEDY accompanied him on the Boston trip, attending the ball game, the reception and the dinner and speech-making afterwards.

The President plans to go to Hyannis Port Sunday for a visit with his ailing father, and to leave for Washington Sunday after dinner, though he may stay the night and return to Washington Monday morning.

[From the Washington Post, Oct. 21, 1963]

FOREIGN POLICY POULTICE

The American public, last week, had a poultice put to one of its recurring ailments. This ailment involves an excessive passion for clear-cut alternative courses, a propensity for instant and final solutions, a vestigial taint of a manic-depressive psychosis causing a fluctuation of public temper from wild despair to extravagant hope.

The President supplied the exhortation in his address on foreign affairs at Orono, Maine. Events in Berlin and Scotland supplied the rest of the compress. It is to be hoped that the application will relieve the symptoms for a while even though it is too much to expect that it will entirely destroy the infection. It is too deep seated for that.

The University of Maine address presented an admirable balance. It skillfully set forth in juxtaposition the reasonable grounds for gratification and the stubborn occasion for anxiety. It tried to get the public to keep in mind the test ban treaty, the bomb-in-outer-space accord and the wheat shipments without forgetting the crisis in Berlin, the Soviet troops in Cuba and the unrelenting hostility of communism to the free world. It is only if these balancing considerations are simultaneously viewed that a coherent notion of our predicament can emerge.

Our policy, as the President sees it, must persuade the Soviet leaders that it is "dangerous for them to engage in direct or indirect aggression, futile for them to attempt to impose their will and their system on other unwilling peoples, and beneficial to them, as well as to the world, to join in the achievement of a genuine and enforceable peace." Such a policy requires an extraordinary subtlety in the conduct of foreign affairs. A government embarked upon such a policy may threaten one day, conciliate the next and do both on a third day. This will seem contradictory and confused to critics, especially to critics who wish things to be simple, uncomplicated and straightforward.

The Soviet Union, fortunately, gave the President a lot of help in his efforts to produce a balanced view. American convoys were interrupted at Berlin. British convoys also were stopped. Then Mr. Gromyko, stopping at Prestwick on the way home, gave a rude blast on the progress of the disarmament talks.

Thanks to the double-action poultice, it should be possible, for a while, to maintain a sounder outlook on world affairs. The basic tensions between the Soviet Union and

the United States arise out of profoundly differing concepts of the organization of the world. As long as these differing concepts persist, trouble spots such as Berlin and Cuba will remain a constant threat to peace and safety. Somehow we must try to conduct our own policies so that these irreconcilable differences can be diminished over the years and the decades, without the calamity and catastrophe of thermonuclear war. We live, and our children and our grandchildren no doubt will have to live, in a time of precarious peace. It is not good, but it is better than war.

Mr. HUMPHREY. Mr. President, I would like to join with the Senator from Maine [Mr. MUSKIE] in calling attention to the President's excellent speech delivered on Saturday at the University of Maine, in which he reviews the record of our foreign relations over the past year. In reviewing the record since the Cuban crisis of last October, President Kennedy displays both the conciliatory approach to East-West relations taken in his American University speech and the firmness shown by his action in the Cuban crisis.

He concludes his evaluation of an eventful year that included the Cuban crisis and the test ban agreement with the following statement:

Let us recognize both the gains we have made down the road to peace and the great distances yet to be covered. Let us not waste the present pause by either a needless renewal of tensions or a needless relaxation of vigilance. And let us recognize that we have made these gains and achieved this pause by the firmness we displayed a year ago as well as our restraint—by our efforts of defense over the last 2 years as well as our efforts for peace.

This I submit as an excellent guide to our relations with the Soviet bloc in the year ahead as well as in the year that just passed.

The VICE PRESIDENT. The time for consideration of morning business has expired.

ASSISTANCE TO INSTITUTIONS OF HIGHER LEARNING

The Senate resumed the consideration of the bill (H.R. 6143) to authorize assistance to public and other nonprofit institutions of higher education in financing the instruction, rehabilitation or improvement of needed academic and related facilities in undergraduate and graduate institutions.

Mr. MORSE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum and that the time necessary for the call of the roll not be charged to either side.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PROXMIER in the chair). Without objection, it is so ordered.

Mr. MORSE. Mr. President, I yield myself 2 minutes.

May I have the attention of the Senator from New York [Mr. KEATING]? It is my understanding that the Senator from New York intends to offer an amendment that can be characterized as a tax-deduction amendment. Would that be a fair characterization?

Mr. KEATING. I think it would.

Mr. MORSE. As the Senator knows, in my work in the Senate, when I have the responsibility for handling a bill, I consider it my duty to advise Senators whose position I oppose, as well as those who support my position, what my policy or procedure is to be.

I want the Senator to know, before I discuss the substantive nature of it, that when his amendment is called up, I intend to raise two points of order against it. I shall raise a point of order against it because it is not germane under the unanimous-consent agreement, and I shall raise a point of order that it is really a revenue measure which should originate in the House of Representatives, and not in the Senate. So I think I should serve notice that I intend to raise those points of order. However, I have no objection to the Senator's offering the amendment or discussing it, because I know how sincere he is in offering the substance of the amendment, but I thought he ought to know what the position of the Senator in charge of this bill will be.

Mr. KEATING. Mr. President, I appreciate the Senator's remarks. I recognize his responsibility as the Senator in charge of the bill. His point comes as no surprise to the Senator from New York. The Senator from Oregon is a good lawyer.

I should like to discuss the amendment. It may not become necessary for the distinguished Senator from Oregon to press his point.

Mr. President, I call up my amendment numbered 222.

The PRESIDING OFFICER. The amendment offered by the Senator from New York to the committee substitute will be stated.

The LEGISLATIVE CLERK. It is proposed, at the end of the bill, to insert the following new title:

TITLE IV—INCOME TAX DEDUCTION FOR TUITION AND FEES PAID TO INSTITUTIONS OF HIGHER EDUCATION

Allowance of deduction

SEC. 401. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 217 as 218, and by inserting after section 216 the following new section:

"SEC 217. TUITION AND FEES PAID TO INSTITUTIONS OF HIGHER EDUCATION

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction amounts paid by the taxpayer during the taxable year to an institution of higher education for tuition and fees for the attendance of the taxpayer, his spouse, or a dependent at such institution of higher education, but only to the extent the amounts so paid exceed 5 percent of the taxpayer's adjusted gross income for the taxable year.

"(b) LIMITATION WITH RESPECT TO SPOUSE.—Deduction shall be allowed under

subsection (a) for amounts paid during the taxable year for tuition and fees for the spouse of the taxpayer only if—

"(1) the taxpayer is entitled to an exemption for his spouse under section 151(b) for the taxable year, or

"(2) the taxpayer files a joint return with his spouse under section 6013 for the taxable year.

"(c) **REDUCTION FOR CERTAIN SCHOLARSHIPS AND FELLOWSHIPS.**—Amounts paid for tuition and fees with respect to any individual which (but for this subsection) would be taken into account under subsection (a) shall, under regulations prescribed by the Secretary or his delegate, be reduced by any amounts received by or for such individual during the taxable year as a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includible in gross income.

"(d) **DEFINITIONS.**—For purposes of this section—

"(1) **DEPENDENT.**—The term 'dependent' has the meaning assigned to it by section 152 (a).

"(2) **INSTITUTION OF HIGHER EDUCATION.**—The term 'institution of higher education' has the meaning assigned to it by section 301(a) of the College Academic Facilities Act.

"(e) **TRADE OR BUSINESS EXPENSES.**—Subsection (a) shall not apply to any amount paid which is allowable as a deduction under section 162 (relating to trade or business expenses)."

(b) The table of sections for such part is amended by striking out:

"Sec. 217. Cross references."

and inserting in lieu thereof

"Sec. 217. Tuition and fees paid to institutions of higher education.

"Sec. 218. Cross references."

Effective date

SEC. 402. The amendments made by section 401 shall apply to taxable years beginning after December 31, 1963.

Mr. KEATING. Mr. President, is there a time limitation in effect?

The PRESIDING OFFICER. The Senator from New York has 45 minutes under the unanimous-consent agreement.

Mr. KEATING. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. KEATING. Mr. President, my amendment to the College Academic Facilities Act would permit a taxpayer to deduct fees and tuition paid to all institutions of higher education to the extent that they exceed 5 percent of the taxpayer's adjusted gross income.

Over a period of some time I have sponsored legislation for a deduction by parents or others for tuition paid to any school.

In order to meet the question of germaneness, this amendment applies only to higher education.

Second, as I shall point out, the amendment is modified in order to meet certain conditions which have been raised by the Treasury Department and others.

Fees and tuition, of course, refer only to academic fees and do not include room and board. The meaning of institution of higher education is defined elsewhere within the act. This deduction would be permissible for part-time or full-time students, and would not hinge upon the student's intent to re-

ceive a bachelor of arts or bachelor of science or other degree, but would include any study at an institution of higher education.

The purpose of this amendment, which I originally introduced in a somewhat different form several years ago, is to provide a measure of relief and assistance to families with one or more dependents who are pursuing their education beyond the high school level. Let me make very clear that it is offered, not as a substitute for this measure, or a substitute for an increase in funds for NDEA loans, or a substitute for other types of Federal grant or loan assistance in the field of education. That is not the case. But it would be a very valuable supplement, especially for families of modest income.

I strongly support the student loan program, which is one of the most effective forms of Federal aid, as well as the fellowships offered for advanced education by a number of Government agencies. I also support and have voted for measures to assist the colleges themselves in providing for more students without prohibitively high charges.

This amendment is not a substitute for any of those endeavors—quite the contrary. It is an effort to widen the scope of interest and encouragement toward higher education by making available to families of modest income and to families of students who may not quite qualify for scholarships or loans an additional assistance or impetus to prepare themselves more thoroughly for life ahead.

Education—to the highest extent of each individual's natural capacity—is beyond any doubt strongly in the national interest. For this reason, the taxpayer is asked to subsidize higher education in a number of different ways, including not only the tax-free status of all educational institutions themselves, but also through his support for Federal programs that assist both colleges and those who seek to attend them. Yet, for the individual taxpayer in the modest income brackets, the taxpayer who pays the bulk of our Federal taxes, not only is there often no direct assistance, but also there is the added burden of years and years of increasingly heavy college education fees. As the situation now stands, this type of taxpayer gets no recognition whatsoever for his support of education, while being taxed to subsidize it for others.

The irony of this taxpayer's position is marked. If he makes a contribution to an educational institution so that others may be educated, it is deductible from his taxes, but if he pays fees and tuition so that his own child may be educated, that is not deductible. If he incurs a business expense, aimed at enhancing the economic status of his business, that is deductible, but the expense he incurs to increase the economic usefulness of his children in years to come, that is not deductible. If he invests in new equipment to meet the changing demands of technology, that can be promptly amortized through depreciation; but if he invests in new training for himself or dependents to meet the

intellectual demands of new technology, that is not deductible.

In short, despite the increasing public awareness of the importance and ultimate economic return of a good education, there is no provision now within the tax laws, or within the proposals before us to facilitate the modest income taxpayer in pursuing this goal.

This charge may be denied in some quarters, and I know that even among those who favor upgrading the place of education in our society, there are some doubts as to the effectiveness of relief through tax deductions. But I believe there are answers to the arguments raised against this approach, answers that outweigh the objections.

It is said, for instance, that tax deductions for education are an expensive way to aid education, for most of those using it would send their children to college anyway.

I have talked to many families, troubled by the expenses of education, and I can certainly say that this is a No. 1 problem of parents of youngsters in high school. It is by no means certain that all of these youngsters will get to college, or complete it despite the determination of their parents, for the fact is that the sums required can range up to nearly \$3,000 a year, a very real burden on nearly any family.

Furthermore, although the granting of this deduction may go to certain families who might educate their children even without it, this system does not require a costly Federal administrative structure, and thus there is a sizable saving involved also. Moreover, programs for Federal loans and grants inevitably involve an increasing degree of Federal oversight. There is also the problem of congressional renewal of programs and appropriation of sufficient funds in time to meet the demand. After last year's unfortunate experience with higher education legislation—in which no law emerged although both Houses of Congress had approved bills—no responsible parent can rely on Federal programs to the exclusion of planning on his own part.

The fact is, tax deduction is not the only solution, any more than grants are, or loans, or the building of new facilities for our colleges. But it can be an important way, so far neglected, to facilitate higher education for—not thousands—but millions of our citizens.

Tax deductions, loans, and fellowships together represent an all-out effort to make higher education more accessible and to upgrade its importance in our society. The direct and easiest method, which will have the greatest immediate impact, is by permitting a tax deduction.

Although I am not wedded to any one particular set of figures, or requirements for such a deduction, I do feel that this amendment meets one of the objections that has consistently been raised by the Treasury Department to such bills; namely, that those in the higher income brackets benefit most. My amendment, which is partially based upon the rationale of an early proposal of this administration, would allow a taxpayer to deduct fees and tuition that exceed 5

percent of his taxable income. In other words, if the income is \$5,000, the deduction could be made for all fees over \$250. If the income is \$20,000, the deduction could not be made until educational fees exceed \$1,000. A similar type of so-called floor, based on a certain percentage of income, is now in effect with regard to medical expenses. Earlier this year, the Treasury Department proposed extending it to all deductions. It has the merit of being simple and equitable for all, and at the same time of providing assistance on a level of need roughly determined by income.

What the exact cost of this amendment would be in taxes is extremely difficult to say. I am asking the Joint Economic Committee to prepare an estimate and I hope those figures, as well as the obvious advantages of a 5-percent floor or some floor, will be reviewed by all those Senators—and I know there are many—who sympathize with this simple and direct method of Federal aid to higher education.

Mr. President, I do not intend to press this amendment to a vote today, in the light of the statements made by the Senator from Oregon, that he would raise a point of order which, I have been informed, would be sustained. But I serve notice that I intend to press this principle, as an amendment to the tax bill, before the Finance Committee and if necessary on the Senate floor.

TAX BILL—AMENDMENT NO. 230

Therefore, I submit at this time, and send to the desk, my proposal as an amendment to H.R. 8363, the tax bill, for consideration by the Finance Committee at the time of its deliberations on that bill.

The PRESIDING OFFICER. The amendment will be received, printed, and referred to the Committee on Finance.

Mr. KEATING. I know that other Senators are interested in the proposal, and are pursuing this objective with various formulas before the Finance Committee. Among them is the distinguished Senator from Connecticut [Mr. RIBICOFF], whom I see in the Chamber. I add this method of approach in order that all of the formulas may be before the Finance Committee. I shall support a program of tax deduction for such expenses.

I am very happy to yield to the distinguished Senator from Connecticut such time as he may need. He has taken a very active interest in this program.

Mr. RIBICOFF. Mr. President, I thank the distinguished Senator from New York and commend him for his remarks.

I believe that what the Senator says makes sense and is absolutely essential if we are to help solve the problem of education at the college level.

Nineteen Senators have introduced bills in this session of Congress providing tax relief for the expenses of a college education. The details of these bills vary; some use the device of an additional income tax exemption, some use a deduction, and others use a credit. But all of these bills recognize and agree on the same point: Those who bear the costs of sending students through col-

lege face a severe financial burden which should be eased through some change in the income tax laws.

I ask unanimous consent to insert at this point in the RECORD a list of the bills on this subject that have been introduced in this session.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

BILLS CONCERNING TAX RELIEF FOR COLLEGE EXPENSES

(Eighty-eighth Congress, through October 16, 1963)

By Senator PEARSON: S. 34. Amends the Internal Revenue Code of 1954 to allow an additional exemption of \$600 for a dependent child of the taxpayer who is a full-time student above the secondary level.

By Senator SMATHERS: S. 62. Amends the Internal Revenue Code of 1954 so as to allow a deduction for certain amounts paid by a taxpayer for tuition and fees in providing a higher education for himself, his spouse, and his dependents.

By Senator DOMINICK: S. 98. Amends the Internal Revenue Code of 1954 to provide a 30-percent credit against the individual income tax for certain amounts paid as educational expenses to public and private institutions of higher education.

By Senator CARLSON: S. 111. Amends the Internal Revenue Code of 1954 to provide an additional income tax exemption of \$1,000 for a taxpayer, spouse, or dependent who is a student at an institution of higher learning.

By Senators RANDOLPH and BYRD of West Virginia: S. 248. Amends the Internal Revenue Code of 1954, so as to allow a deduction for certain amounts paid by a taxpayer for tuition and fees in providing a higher education for himself, his spouse, and his dependents.

By Senator SCOTT: S. 259. Amends the Internal Revenue Code of 1954 so as to allow a deduction for certain amounts paid by a taxpayer for tuition and fees in providing a higher education for himself, his spouse, and his dependents.

By Senator FULBRIGHT: S. 278. Amends the Internal Revenue Code of 1954 so as to allow a taxpayer to deduct certain expenses incurred by him in obtaining a higher education.

By Senator FULBRIGHT: S. 279. Allows additional income tax exemptions for a taxpayer or a spouse, or a dependent child under 23 years of age, who is a full-time student at an educational institution above the secondary level.

By Senator JOHNSTON: S. 286. Amends the Internal Revenue Code of 1954 so as to increase to \$700 the amount of each personal exemption allowed as a deduction for income tax purposes, and to allow an additional exemption for a dependent child who is a full-time student attending college.

By Senator LONG of Missouri: S. 407. Amends the Internal Revenue Code of 1954 to allow income tax deductions for certain payments to assist in providing higher education.

By Senator CANNON: S. 609. Amends the Internal Revenue Code of 1954 to allow an additional exemption of \$600 to a taxpayer for each dependent son or daughter under the age of 23 who is a full-time student above the secondary level at an educational institution.

By Senator DODD: S. 754. Amends the Internal Revenue Code of 1954 so as to allow an additional income exemption of \$1,200 for an individual who is a student at an institution of higher education.

By Senator McCARTHY: S. 800. Amends the Internal Revenue Code of 1954 to provide a 30-percent credit against the individual income tax for amounts paid as tuition or fees

to certain public and private institutions of higher education.

By Senator McCARTHY: S. 801. Amends the Internal Revenue Code of 1954 to allow an additional exemption to a taxpayer whose spouse is a full-time student and is receiving over half his support from the taxpayer.

By Senator McCARTHY: S. 802. Amends the Internal Revenue Code of 1954 so as to allow an exemption for certain dependents whose gross income exceeds \$600.

By Senator HARTKE: S. 1114. Amends the Internal Revenue Code of 1954 so as to allow an additional income tax exemption for an individual who is a full-time student at an institution of higher education.

By Senator KEATING: S. 1236. Amends the Internal Revenue Code of 1954 so as to allow a deduction for tuition and fees paid by an individual in providing an education for himself, his spouse, and his dependents.

By Senator PROUTY: S. 1454. Amends the Internal Revenue Code of 1954 to allow a deduction to a taxpayer who is a student at a college for certain expenses incurred in obtaining a higher education.

By Senator McCARTHY: S. 1491. Amends the Internal Revenue Code of 1954 to allow a deduction for certain expenses incurred by an individual in maintaining a foreign student as a member of his household.

By Senator RIBICOFF: S. 1567. Amends the Internal Revenue Code of 1954 to allow a deduction for certain expenses incurred in obtaining or providing a higher education.

By Senator HUMPHREY: S. 1677. Amends the Internal Revenue Code of 1954 to allow a credit against the individual income tax for certain expenses paid by a taxpayer in obtaining a higher education or in providing a higher education for his children and dependents.

By Senator HRUSKA: S. 2123. Amends the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer, spouse, or dependent who is a student at an institution of higher learning.

Mr. RIBICOFF. Mr. President, in addition to the 19 Senators who have introduced these bills, similar bills were introduced in the 87th Congress by the senior Senator from Washington and the junior Senator from Alaska.

So there are 21 Members of this body who have introduced bills on this subject. And it is interesting to note that six of them are members of the Finance Committee. These Senators come from both parties and from all parts of the country. Their support of this type of proposal shows that the proposal deserves the serious consideration of the Finance Committee and of the Senate.

It is also pertinent, following the remarks of the Senator from New York, to point out that administration after administration, with Secretaries of the Treasury following one another, have advanced the same specious arguments against the allowance of a tax deduction for college expenses. One of these arguments is that this deduction favors the wealthy alone. But this deduction would affect taxpayers in the same way as every other tax deduction allowable to a taxpayer. Naturally, a person with a higher income derives a greater benefit because he is taxed at a higher rate. But that fact does not lead us to oppose all deductions, and it should not lead us to oppose this one either.

Another argument is that this deduction does nothing for the very low income groups who pay no taxes.

Yet the children of the lower income groups are the ones who qualify for

scholarships from the colleges and universities. But the great burden falls upon the shoulders of people in the middle income groups, who might be earning about \$10,000 a year. It is their children who fail to qualify for scholarships because colleges and universities feel that the income of their parents is adequate for the payment of tuition. Yet when it is considered that the cost of college education is so high, averaging about \$1,800 a year for a State or public college or university, and about \$2,400 a year at a private university, it is easily understood why parents in the middle income groups find it so difficult to finance the education of their children.

The Senator from New York may be interested in a colloquy I had last week with the Secretary of the Treasury, in which I stated my intention to try to have included in the forthcoming tax bill, when it reaches the floor of the Senate, an amendment such as the Senator from New York is discussing today. I told the Secretary that I would attempt to do this in committee, but that if I were unsuccessful in committee, I would offer such an amendment on the floor of the Senate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the colloquy between Secretary of the Treasury Dillon and myself before the Committee on Finance last Tuesday.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Senator RIBICOFF. Mr. Secretary, it is my intention to try to have added to this bill a provision allowing deduction for college expenses.

I happen to believe that parents who are trying to send their children to college should be given every possible assistance to do so.

I know that the Treasury and probably you are opposed to this, and I would like to ask a few questions for the purpose of the record at this time before I go forward, which I intend to do.

Would you please state for the record your objections to granting deductions to parents for the cost of college education?

Secretary DILLON. Our real objection to that, Senator, is that we feel that it is an inefficient and not particularly equitable way to handle the problem which we recognize.

The basic problem is to enable people who have difficulty in affording an education to go to college. A tax deduction or a tax credit, of course, will not help those people. It will only help those who have enough income so that they can afford this.

I would say that is the basic reason for which we have felt that this is unfortunate.

Now I think this has been recognized by many, because the primary job at the moment is buildings. We can't accommodate more students at college without adequate buildings.

I think that bill is being considered right now, and I would hope very much it would pass.

I would just like to point out as you undoubtedly know, that the American Council on Education, which is the senior body in this field, which used to sponsor a tax credit for tuition no longer includes such a proposal, I think for the same reason.

Senator RIBICOFF. Frankly, I am unimpressed with what professional organizations on education think about this.

Secretary DILLON. You have a great deal of experience.

Senator RIBICOFF. We should give assistance to colleges, and I am for that, and I believe the Senate will adopt this kind of a bill on Monday, but what has this got to do with the other provision to do something for the parents of children?

Secretary DILLON. We feel that it is a highly costly procedure in that many people who would get such a credit would send their children to college anyway, and are doing it and don't really need it. It might as a deduction pay 10, 15, or 20 percent of the tuition cost of the student, which would not be a decisive element as to whether that student could go to college or not go to college.

And so we have favored instead to achieve the same objective and we are in entire agreement on the objective, either a combination of an increase in funds available under the National Defense Education Act for scholarships, direct scholarships, or a guarantee program whereby the Government would guarantee loans that banks might make to students that would be repayable at low interest over 10, 12, 15 years after they graduate.

Senator RIBICOFF. With a guaranteed loan, what would you do for the women who want an education and then don't have an earning capacity when they get married. Is a husband to take the wife who is a college graduate with a mortgage on her?

Secretary DILLON. That would be a little difficult.

Now another problem which this raises which I am sure you are aware of is that if there is such an exemption for tuition, many colleges have made no secret of the fact that what they will do is simply increase—use this as a reason to increase—their tuition so as to get the benefit themselves, rather than have the benefit go to the student.

At that extent it might make it harder for many low income students to actually get their education than it would be otherwise.

Senator RIBICOFF. The colleges don't need any reason like that to raise their tuition.

As I read the papers and follow the history of increases in tuition rates, tuitions are being raised every year without this provision.

Secretary DILLON. That is right. They would just be raised faster with it.

Senator RIBICOFF. Coming back to scholarship aid, scholarships are usually given to the boys and girls of families in the lowest income groups where the taxes paid by the parents are the smallest amount. These are the students who are eligible for and receive scholarships.

What I am concerned about are the parents earning \$8,000 or \$10,000 a year, because at that level of income they often cannot get a scholarship, and yet there is a serious difficulty faced by these parents in sending their youngsters to college.

Now this is where the great burden falls.

What are we going to do to encourage these people to send their youngsters to college?

Secretary DILLON. That is where we have our proposal for a loan program. When I say our proposal I mean the administration proposal, it isn't just the Treasury, it is the Department of the Treasury and the administration proposal, to have a broad guarantee program of loans that could be repayable on easy terms.

Now certainly no program answers every possibility, but we recognize the problem lies where you say it lies, and we are trying to find something that would meet it with the least cost to the Government and the most effectiveness to the student.

We think a substantial loan program of that nature would be better for a family with an \$8,000 income, that pays very little taxes anyway, and where the amount of credit they would get in their taxes would

be very infinitesimal toward the cost of a college education.

Senator RIBICOFF. Last year you proposed a tax credit for business to encourage them to make capital investments.

This year you propose a deduction for all equipment devoted to research and development.

Now isn't the investment in the education of our children entitled to as much consideration and encouragement from the tax laws as investment in plant and equipment?

Secretary DILLON. Absolutely. It is just a question of how to do this most effectively.

Under this situation any bill that we have seen, and there have been a number of them, the bulk of the tax cost would go to families with incomes of over \$10,000, not to the \$8,000 to \$10,000 group that we are talking about.

Senator RIBICOFF. Isn't that the case, Mr. Secretary, with every deduction? Every deduction you have in the tax laws, the people with the higher income get a larger proportion of the savings from the deductions and this would apply here?

Secretary DILLON. Yes. I don't mean just that. Of course, that is true, but I mean the resulting revenue cost to the Government, the bulk of the amount that would be deducted would be in this higher bracket class, just because those are the people that can afford the rest of what it takes to send their children to college, whereas the ones between \$8,000 and \$10,000, this wouldn't make enough difference to get very many of them to go. It would certainly have some effect.

We just think it is a costly and inefficient means to achieve a very worthy end, and I just want to be very clear that there is no difference in the aim.

Senator RIBICOFF. But you don't have any better means. You don't have a more efficient means or a more effective means.

The President proposes giving credits and deductions for contributions to political campaigns.

Why isn't it just as important to give a deduction for a child's education?

Secretary DILLON. We feel that the loan program that we recommend—and I am no expert, I feel quite at a loss trying to answer questions to someone like yourself who knows so much more about this.

Senator RIBICOFF. You see here is why I am pressing this. I am very sincere about this and I am going to make a hard try to do this, because administration after administration has opposed it.

I am not saying this about your arguments, but the arguments have been specious that have come from administration after administration and Treasury official after Treasury official.

There are over 100 bills before the Congress of the United States trying to achieve and accomplish this. Yet the pattern of no action has been repeated over a period of years.

A tax bill comes into the House under a closed rule so no one has an opportunity to put the amendment on. But we do have a problem, and I think it is a problem that we should try to tackle. I would rather see a loss of revenue from this type of deduction and close up some of the loopholes such as related by the Senator from Illinois or the Senator from Delaware, and make that money available for parents for tax deductions.

So it isn't a question of revenue, it is a question of burden.

Now we provide for deductions for a family that has extraordinary costs because of sickness.

We provide deductions for people who have casualty losses.

Now a family raises children, and then comes a 4-year period which to them is an extraordinary period because they want to send their son or daughter to college, but

they face a serious financial burden in doing this.

Now if part of our tax laws are to alleviate some of the burdens for the unusually heavy costs that some families have to meet, why shouldn't we face up to the fact that college expenses are an unusually heavy basic cost that we should try to alleviate through the tax laws?

Secretary DILLON. It is my understanding that the Department of Health, Education, and Welfare, that has responsibility in the executive branch for this, feels that the loan program we recommend would be more effective in answering the problem.

Senator RIBICOFF. You see this is the difference.

I am on this side of the table now instead of that side, and I am not bound any more as a U.S. Senator by what the Budget Bureau or the Secretary of the Treasury or the President of the United States may think.

So, therefore, as a Senator I do not have the same restrictions as to policy as I had as a member of the executive branch.

Now I can look at this realistically and try to accomplish things that I would have liked to have accomplished in the other position.

Senator DOUGLAS. I will say this is a typical illustration of how a man's character improves when he moves out of the executive branch into the legislative branch.

Senator RIBICOFF. I would agree without question.

Mr. RIBICOFF. Mr. President, Secretary Dillon, of course, repeated the traditional objections of the executive branch to this proposal. Having been in a position to know those objections, I am entirely familiar with them and well aware of their inadequacy.

At a future date I shall discuss this subject more fully. At the moment let me simply say that the essence of the administration's argument is that other forms of assistance do more to help provide a college education than does tax relief. To me that is no reason for rejecting tax relief. I support other forms of assistance. Today we are voting upon one form of such other assistance—funds to the colleges for help in construction of facilities. I am glad to support this measure and will support other measures that help our colleges.

But other proposals like today's bill do not persuade me that tax relief is not needed. I believe it is needed, no matter what other proposals are voted upon. And I intend to see to it that a constructive tax relief proposal is considered by the Finance Committee and that the Senate has an opportunity to consider such a proposal on its merits.

Mr. President, for the reasons I have stated, I welcome the expressions of the Senator from New York. I know that he has much to add to consideration of this issue that will be of great value. I hope that in the days ahead he and other Senators, including myself, will be able to prepare a program which will receive the support of the Senate and that it may be incorporated in the tax laws of our country.

Mr. KEATING. Mr. President, I am grateful to the Senator from Connecticut, who has shown great interest in this problem and who will be very useful in the Committee on Finance in behalf of this cause. I shall be happy to work with him.

As I said before, the particular formula that I have devised represents a modification of my own thinking and is certainly open to question and discussion. Perhaps it is not even the right formula.

In connection with the statement of the Senator from Connecticut, I should add that I have no nationwide figures on the subject, but I have some widely differing figures on a geographical basis. For example, a study made by the University of New Mexico shows that the largest percentage of students who receive scholarships come from families whose incomes are between \$8,000 and \$9,500 a year. Certainly those families would benefit by the proposed tax reduction.

At the University of Massachusetts, a study of the income of families of students in attendance showed that students from families having incomes between \$4,000 and \$10,000 represented nearly 70 percent of all the students attending that institution.

A study made at the University of Wisconsin showed that the median income of families who sent their children to that university was \$9,000.

The amendment I propose would be of great value to families in those particular income brackets as well as lower ones. It would be fair and equitable and of some benefit to practically everyone who had dependents attending college.

Admittedly, the formula of allowing a deduction only above 5 percent of the net income would perhaps not be of much benefit to families having substantial income with only one child in college but they require less assistance. It strikes me as being about as close to a fair formula as could be devised. I hope the proposal will have the careful thought of members of the Committee on Finance. It is, as I said, not a substitute for, but a supplement to other types of assistance to higher education.

Mr. GOLDWATER. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. I am glad that the Senator from New York is discussing his amendment on the floor of the Senate today. I have been pursuing a similar course during the past three Congresses. The proposal offered by the Senator from New York is excellent. His approach is one that could solve problems that supposedly could be found in the elementary educational system as well as the college educational system. I hope that some time during this session of Congress the Committee on Finance will give attention to the Senator's amendment.

My own amendment is so drawn that it was referred to the Committee on Labor and Public Welfare. It was drawn purposely so that it would be referred to that committee. It contains a scholarship proposal that would not come within the purview of the Committee on Finance.

When I first proposed this approach to Congress, I attempted at the same time to interest the Republican administration in it, to no avail. I discussed it with the Secretary of the Treasury; and

at the time he estimated that it would deprive the Government of about \$3.2 billion.

My bill goes a little further than the bill of the Senator from New York, in that I would allow deductions for all taxes paid for local school purposes up to \$100.

I told the Secretary that I thought his argument was rather weak, because even if the Federal Government lost \$3.2 billion, it would be much better to have that money remain at home for local use than to have the Treasury sustain a loss of \$5 billion, \$6 billion, or \$7 billion, according to how the program might progress in the future.

I do not wish to labor the point. I commend the Senator from New York for having offered his amendment. I realize that a point of order will be made on the ground that the amendment is not germane to the bill, and that the point of order probably will be upheld. Nevertheless, the Senator from New York has performed a good service in the cause of education by showing that tax relief is logical, sensible, and a proper approach to the solution of the problem.

Mr. President, I shall not take more of the time of the Senate. I ask unanimous consent that an explanation of the section of my bill that deals with tax relief for families having children attending college be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TAX RELIEF FOR FAMILIES WITH CHILDREN ATTENDING COLLEGE

A. The taxpayer is granted an additional deduction from his taxable income for the expenses incurred by him, his spouse, or his dependent or dependents, while attending college.

B. Expenses shall include tuition and fees charged by the college for a course of instruction and attendance at such college; books, supplies, and equipment; room and board, whether the student is living on or off the campus. The amount the taxpayer may deduct shall be the actual amount of expenses paid but not to exceed \$2,000 for each child attending college. Of this amount, the cost of room and board may not exceed \$90 a month while the student is in attendance at college (\$45 in the case of a student living at home).

C. In addition to his child or children, the taxpayer may also deduct such expenses which he incurs as a student as well as those of his wife and anyone else whom the taxpayer can lawfully claim as a dependent.

D. The deduction is available to a taxpayer whose dependent is attending a college, university, or other institution of higher learning, such as medical school, dental school, law school, or other graduate school. This deduction is not available to a taxpayer whose dependent is attending a trade or vocational school or any other school which does not award a baccalaureate or higher degree.

E. The amount of expenses which the taxpayer may deduct from his taxable income shall be reduced by the amount by which the taxable income of the taxpayer exceeds \$10,000 if the taxpayer is unmarried or if married, files a separate return or, \$20,000 if the taxpayer is married and files a joint return or is a head of a household or a surviving spouse. Thus, if a taxpayer has \$2,000 in educational expenses and a taxable income of \$20,800, he would be entitled to a deduction of \$1,200 (\$2,000 less \$800, the amount

in excess of \$20,000). The taxpayer thereby reduces his taxable income from \$20,800 to \$19,600. If the taxpayer is in the 50-percent bracket, he would thereby reduce his tax by \$600 (50 percent of \$1,200).

Mr. GOLDWATER. Mr. President, I again compliment the distinguished Senator from New York. I believe he has made a real contribution, one to which we must pay attention, because the control of education belongs at home. This applies to elementary education as well as to advanced education. If the money can stay closer to home, and if families can be encouraged to send their children to institutions of higher education because they will receive tax benefits, we shall see the need for Federal intervention diminish to the vanishing point. To that end, the bill offered by the Senator from New York would serve a valuable purpose.

Mr. KEATING. Mr. President, I thank the Senator from Arizona for his kind remarks and for his support of the general principle involved. I know he has been interested in this subject. He and I differ, perhaps, in one respect, in that he would propose his amendment as a substitute for other programs. These benefits should not be offered as a substitute, but as a supplement to other programs.

I am grateful to the Senator from Arizona for his kindness and for his powerful support of the general principle involved.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the Senator from Texas [Mr. TOWER] be added as a cosponsor of the bill that I introduced, S. 181.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, will the Senator from New York permit me to have 30 seconds on my own time to make an announcement before he withdraws his amendment?

Mr. KEATING. I yield for that purpose.

Mr. MORSE. I wish to make a brief statement for future reference in opposition to the Senator's amendment, but I shall not take long, and I will not raise any point of order during my statement, so the Senator from New York will have an opportunity to withdraw his amendment.

Mr. President, I yield myself 10 minutes.

I appreciate the cooperation I have received from the Senator from New York [Mr. KEATING] concerning this amendment. There is no question about the Senator's dedicated sincerity in support of his amendment.

I have already explained what will be my position as the Senator in charge of the bill if the amendment is pressed for a vote.

I suggest that the amendment is a far more appropriate vehicle for consideration before the Senate Finance Committee, for the amendment contemplates changes in the internal revenue of the Government. The Committee on Labor and Public Welfare really has no jurisdiction in this area. The House bill which we are debating is not a revenue bill. In my judgment, adoption of the

amendment would make completely untenable an already difficult situation as regards a conference with the House. I fear that if the amendment were to be adopted, the House might consider it repugnant, as an invasion of the jealously guarded prerogative of that body with regard to the initiation of legislation affecting the raising of revenue.

For such procedural reasons, I do not think the amendment is in order; and, as the Senator from New York has pointed out, in due course of time he will withdraw the amendment, insofar as this bill is concerned. Later, in connection with other proposed legislation, he will press for the attainment of his objective.

With regard to the substantive proposal, even if there were no procedural difficulties, I would be constrained to object to the proposed adoption of the amendment, for, in my judgment, it should be rejected, inasmuch as it is clearly class legislation.

Second, the amendment would bring no immediate relief to educational institutions, nor in the long run would it assist the families or the college students, inasmuch as the probable increase in tuition charges would be found to more than offset any savings to the family.

Third, we have no data on the cost to the Treasury, but in all probability it would be great. It could run into many millions of dollars.

When the amendment was first suggested, I took up the matter with the Department of Health, Education, and Welfare, and discussed it with the Department. I now report to the Senate that the Department does not favor the use of tax deductions or tax credits as methods of aiding education. Some of the reasons given for this view by the Department are as follows:

First, The progressivity of the rate structure of the Federal income tax, which is designed to further the objectives of tax equity, makes the use of the tax singularly inappropriate for the purpose of advancing educational and related social objectives. Deductions from gross income for tuition payments tend to favor the high-income groups. A high-income taxpayer might have a tax saving of 50 percent or more; a taxpayer at the bottom of the income-tax brackets would have a maximum tax saving of 20 percent.

Mr. President, when we realize that our objective in dealing with Federal taxation is to provide for taxation on the basis of the ability to pay, it is clear that we should always be on guard against inequities against various groups of taxpayers. A moment ago, when I said the amendment is class legislation, I had in mind that the point is an obvious one, because if the amendment were to be adopted it would mean that benefits would be given to the parents of prospective college students, yet comparable tax benefits would be denied those who are not parents. This would mean that the parents of young people who wanted to go to college would have a smaller tax to pay. However, the necessary revenue must be raised. This means that taxpayers who are not the parents of prospective college students would, in essence,

have to pay an additional amount in taxes. In short, our tax burden would in considerable part be transferred from the parents of young people who intend to go to college to taxpayers who are not parents. In my judgment, this would result in a misuse of the income tax. That is why the Department makes the point that the amendment would produce an inequity in the administration of the income tax; and I think the Department is correct.

Mr. RIBICOFF. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from Oregon yield to the Senator from Connecticut?

Mr. MORSE. I yield.

Mr. RIBICOFF. On the Senator's point that this deduction offers greater benefit to higher income groups, is not this the case with every deduction. Certainly it is the case with tax deductions for medical expenses and tax deductions for business expenses; these and all other deductions are of proportionally greater assistance to those with higher incomes.

So the question is whether this type of deduction is a sound proposal. This deduction should be dealt with on its merits, not on the basis of arguments that apply generally to all deductions.

Mr. MORSE. But my point is that it does not fall in the same classification with the allowable deductions the Senator from Connecticut has mentioned. I make that point for these reasons:

First, when we consider the deductions for medical expenses as a result of illness, we realize that no inequity is involved, because all humans are subject to illness. So, under such a deduction allowance, we lay down a general social public policy that in connection with expenses for medical treatment, the same policy will apply to all. Of course, it may be said that John Brown is healthier than Ed Smith, and that therefore John Brown will, in effect, have to pay, to some degree, the expenses of Ed Smith's illness, in that John Brown will not receive that tax deduction. However, he will receive it later on, if he has ulcers or gall bladder trouble or any other illness. This is a health program; we simply provide that a certain amount of tax deduction will be allowed to all who become ill.

We also have general public policies with regard to the operation of our economy, from which the taxes come in the first place. The taxes are derived from the operation of the economy and from the operation of the businesses in our economy. So we provide, as a matter of sound public policy, that before the business gross profit is taxed, we shall provide depreciation allowances, and also certain benefits in regard to capital gains, and also certain deductions in regard to certain types of losses. However, those allowances are uniform within each class or category of business operation in our economy.

On the other hand, if we now inject into the educational field, which already is highly controversial, the practice of singling out for tax benefits certain tax-

payers we are adding to our troubles. We are identifying some citizens to whom the Federal Government says "Because you are parents, the Government will give you certain benefits which will not be given to citizens who are not parents." I think such a proposal clearly falls within the definition the tax economists have given it over the years—namely, special, singularized class favors. We think such special privileges are wrong, if we are to honor this principal that taxes are to be levied on the basis of ability to pay.

Mr. RIBICOFF. Mr. President, the argument of the Senator from Oregon surprises me a little. I can understand his opposition to this amendment; but I think the examples he has used avoid the basic issue. If it is proper to allow a business a deduction for its depreciation or for the expenses of research, we should consider this question: What is of greater value, as an investment for the future of the Nation, than the education of the children of this Nation?

Today 4 million of our young people are studying in our colleges. By 1970, 7 million of our young people will be engaged in college studies. Almost every adult has the ambition to send his children to college. I know that, basically, the Senator from Oregon and I agree that the greatest asset the country has is education for its people. No one is fighting harder for education for the people than is the distinguished Senator from Oregon. As I have said many times in the Senate and also from public platforms, no person in the United States is more dedicated to the cause of education than is the distinguished Senator from Oregon, who is piloting through the Senate this bill and all other important measures in the field of education.

Also, we must keep in mind that to the average family higher education is an extraordinary expense that comes at a certain stated period in their lives. A man and a woman raise children. When a child becomes 18 years of age, there follows a 4-year period during which the father and mother have an extra burden, the cost of an education for their children amounting to about \$10,000 for each one. Our tax laws are designed to help ease the burdens that result if a person or a business is suddenly faced with extraordinary expenses. It is my contention that when a family is burdened with the extraordinary expense of a college education—and a college education is important not only for the child and for the parents, but also for the future of our Nation—I believe that we, as a matter of sound public policy, should take steps to ease that burden and to give inducements to parents to educate their children.

The difference between myself and the Senator from Arizona, as he has proposed his plan, is as follows: The Senator from Arizona has proposed his tax deduction proposals as a substitute for the program being advanced by the Senator from Oregon. I do not propose mine as a substitute, because I agree 100 percent with the Senator from Oregon that there is a role for the Federal Government to play in the field of education.

That is why I enthusiastically support the present bill that the Senator from Oregon is now piloting through the Senate.

However, what I propose is an additional approach. As I understand his colloquy with the Senator from Oregon, the Senator from New York [Mr. KEATING] agrees with me that what we need is to have two things accomplished that are vitally needed in the field of higher education to assure that the United States will have ample facilities and ample teachers to educate our youth. We recognize that there must be some direct Federal assistance to the colleges and universities, but we also recognize that the Federal Government cannot accomplish the task by itself, and that, as a sound policy, we should have a tax relief proposal similar to that advanced by the Senator from New York and 20 other Senators.

So I should like to go in tandem with the Senator from Oregon. I disagree with the Senator from Oregon only when he contends that tax deductions are not necessary. I disagree with the Senator from Arizona when he says that tax deductions will be a substitute. I believe they are both essential.

Mr. MORSE. Mr. President, I yield myself another 10 minutes.

Speaking as a horseman, I believe tandem teams are not too efficient. I wish the Senator to get abreast of me and pull on the other side of the whippletree. I do not want to be hitched with him in tandem.

I wish to make clear that the distinction between the examples used by the Senator from Connecticut on the point I made in regard to class legislation are his examples and not mine. I shall be glad to discuss them. I point out that under our income tax structure, we tax all business, generally speaking, on the basis of its ability to pay. Business is subject to tax rules and regulations applicable uniformly to all businesses of a certain class that fall under individual rules and regulations. We say, "This is our corporate income tax structure. You, as businessmen, will be subject to the rules and regulations which are uniform to all that fall under that definition." That is the basic premise of our income tax program.

As yet, we do not say to our citizens, "We are going to tax you because you do not have children. We are not going to tax you because you do have children." We do not base our taxes on the status of parenthood per se. That is not the major premise of our tax structure. The major premise of our tax structure is the earning power of the individual, the company, or the corporation that falls within the rules and regulations.

Mr. RIBICOFF. Mr. President, will the Senator yield further?

Mr. MORSE. I should like to finish my statement, and then I shall yield.

So when an exemption based upon parenthood is proposed, we see that the proposal would transfer the tax burden to those who would qualify under the so-called educational exemption that the Senator seeks. We would thereby increase the taxes on one class of citizenry and decrease it on another, although the

basic earning power is the same. That is where the discrimination develops.

What is the distinction? The distinction is parenthood. In my judgment, every taxpayer—parent and non-parent—has an obligation to support the schools of America. We have been struggling very hard to gain adoption of that principle at the national level. I could not have had better assistance than I have had from the Senator from Connecticut in attaining that objective of a general Federal aid to education program under which all, based upon their ability to pay and not based upon their parenthood, put their taxes into the Federal Treasury; and from the Treasury we seek to obtain Federal aid to support the facilities, the scholarships, or any of the other features of the general education program. If such a program is followed, there is no discrimination among the taxpayers based upon their ability to pay. But the proposal for a tax deduction to some person merely because he has a boy or a girl whom he wishes to go to college would be discriminatory against other parents. That is the thesis of my argument. I yield to the Senator from Connecticut.

Mr. RIBICOFF. The Senator from Oregon will find that as the years go by he will have an ally in the junior Senator from Connecticut in the entire field of education.

Mr. MORSE. I have now.

Mr. RIBICOFF. But I must point out that at present there is a discrimination in favor of parents. Under our present tax laws, we provide parents with a \$600 exemption for each child who qualifies. We do not provide that exemption to people who do not have children. I am sure the Senator from Oregon would not advocate that we repeal the exemption provisions of our tax laws under which we give exemptions to parents with children. So the Senator will see that there is a discrimination in our tax laws between people who have children and those who have not.

Mr. MORSE. No. The Senator and I disagree on that tax theory. We are providing a dependency exemption. Because the dependent exists, an exemption is made available.

It is a uniform exemption for all dependents. It is a policy, uniform in nature, that we have established for a dependent, whether it is a child or a grandmother whose care the taxpayer has assumed. If such dependents were not taken care of within the family, we would have to take care of them in other ways with the money of taxpayers. But this point is not relevant in higher education.

Mr. RIBICOFF. I point out to the Senator that it is still the parent that benefits from the exemption. It is the parent who has the earning power. The greater his exemptions, the lower is his net taxable income. A couple with children pays a smaller amount of tax than a couple without children, though both couples earn the same amount of income. We ought to recognize that there is a difference in the burden between parents who have children that need a college education and people who do not

have children. Parents with children who have to be educated have an extraordinary burden that a married couple that does not have children that would go on to college do not have. Our tax laws now recognize and help ease the burden of supporting a dependent child. What I am saying is that the burden of sending a child through college is an additional burden which should also be eased by use of the tax laws.

Mr. MORSE. On the dependency issue, I should like to say for the RECORD that we provide an exemption for dependency based upon the theory that the dependent will have to be taken care of in one way or another. In effect, the mother, the uncle, the grandfather, or whoever is aiding and supporting the child is performing a service for the State that otherwise all of us would have to assume. If a family does not take care of a dependent, the burden will have to be taken care of in some other way.

That principle does not follow in regard to the young man or woman who wishes to go to college.

There is no burden upon us to say to all taxpayers that they must see to it that funds are made available to parents in order to send a young man or young woman to college. Rather, in order to have uniformity, the approach should be that all funds for educational purposes would be raised from taxpayers. The funds should be raised on a uniform principle and put into the Treasury and paid out of the Treasury, again on a uniform basis, to avoid the objection of class legislation which I have raised.

Mr. RIBICOFF. I agree with the Senator from Arizona on the point that to the extent we allow parents a deduction to take care of some of the burdens of their children's education, to that extent the Federal Government or a State would have less of a burden in the whole educational picture. I look at the problem of education in its entirety. I believe, as the Senator from Oregon believes, that there is a role to play for every segment of society. To the extent private individuals and private corporations play a larger part of that role, to that extent there will be a lesser role for municipalities, States, and the Federal Government to play. I hope private individuals will play a larger and larger role in the educational process, if it can properly be done within sound public policy.

Mr. MORSE. As the Senator knows, I feel that to solve this particular problem of education, a general scholarship to come out of the Treasury of the United States would be much to be preferred over the approach that he would make.

Mr. President, I shall now run through the other objections, for the RECORD, and then I shall yield back my time.

Second. If an actual credit against the tax is intended, rather than a deduction from gross taxable income, the proposal would be somewhat more equitable as among low- and high-income taxpayers. This would be the case only if the maximum credit allowed does not exceed the

tax liability of a large number of low-income taxpayers.

Third. A number of groups in the population could not benefit from either a tax deduction or tax credit proposal. These groups include families who are not financially able to send their children to college. A poor family, or a large family with modest income would receive little or no relief against the cost of sending a child to college.

Fourth. It is widely recognized that the full benefits would not necessarily accrue to the taxpayers since colleges would be expected to increase tuition charges. Some proponents of a deduction or a tax credit for college tuition in fact have urged its adoption as a way to make possible increases in tuition rates without additional costs to families who pay the tuition.

The analogy may not be on all fours, but there is some relationship to hospital insurance and the tuition increase problem that would be raised, I believe, by the amendment. I believe increases in school tuition under the amendment would be inevitable. The temptation would be too great for colleges to resist.

Many persons are insured with various hospital insurance plans. Periodically the rates on such insurances go up, and as the rates go up the hospital charges go up also. It becomes a spiral. Each time the insurance fund is filled the increase is absorbed by a yielding to the temptation to increase medical fees and hospital fees. Very little benefit thus really accrues to the prospective patient. I believe there is great danger that such a temptation would be yielded to in connection with increases in tuition fees.

Fifth. The loss in revenue, under the proposal would amount to hundreds of millions of dollars each year. This loss of revenue would have to be offset by increases in income tax rates, or by imposition of other taxes.

Sixth. A program of direct aid along the lines proposed by the President in his education message to the Congress on February 20 would seem to offer the most efficient and economical way of providing assistance to talented young people who desire to further their education and are in need of such assistance.

Mr. President, the deficiency of the amendment, in my view, is that despite its considerable cost—probably between \$120 and \$450 million annually—it would contribute very little toward the goal of enlarging the opportunity of the Nation's youth to obtain a college education or to engage in graduate work.

Realistically speaking, the higher education of children from families that enjoy a relatively large income would be unaffected, in the main, by the tax incentives proposed. These families will, in most cases, provide their children with a higher education in any event. On the other hand, low-income families would derive little or no benefit from the proposals because they pay little or no tax. Yet it is the low-income family that is most in need of assistance and encouragement in seeking to obtain a higher education for its children.

Within the spectrum of income lying between these poles, the amendment

would provide assistance in inverse proportion to the taxpayer's need for such assistance.

In this regard, the proposal to allow a tax credit for tuition and fees would be less defective than those to allow a deduction for this purpose because, to the extent that the taxpayer has taxable income, the credit would give a benefit equal to a fixed percentage of educational expenses without regard to the size of such income. Nevertheless, the wealthy would enjoy the greatest benefit from a tax credit because their children are, in the main, educated at the more expensive schools. The poor, conversely, with little or no tax to pay, or with much smaller educational expenses, would derive correspondingly less benefit. As was pointed out in a recent note in the Harvard Law Review, 76 Harvard Law Review 369, 384, on "Tax Incentives for Education," in regard to bills which would allow a 30-percent tax credit for tuition:

[Students in reduced circumstances] if they did attend college, probably would attend a public institution with low tuition, probably \$400 or less. To such families the 30-percent credit would be worth about \$120, and correspondingly less if the tax otherwise due were less than that amount. It seems doubtful that many students would be able to attend because of such a saving, when they faced room and board expenses of \$500 or more.

Moreover, in view of the fact that tuition now averages \$700 to \$800 below the cost of the education furnished, the enactment of a bill affording a 30-percent credit for tuition might well result in no benefit to the student whatsoever, because of the substantial possibility that it would be the occasion for increases in tuition.

As the above-mentioned note points out:

The value of a student dollar (to the students) under a 30-percent credit would be 43 percent greater than that of an ordinary dollar, so that a college could increase tuition by 43 percent without placing upon students a greater burden than existed prior to the credit; under such an increase the student would pass the benefit of the credit on to the school (at p. 385).

Indeed, the tax credit proposals might well worsen the financial position of the student with the least means, because not only would he be unable to avail himself of its benefits, but he would be required to meet the increased tuition charges that the enactment of the proposals would be likely to stimulate.

The instant amendment would not allow a tax credit, for meals and lodging of the student, nor would any such proposal be feasible. Not only would the cost be prohibitive, in relation to the advantage to be gained to the Government, but also, as in the case of the deduction, the families most in need of assistance do not now pay taxes that are sufficiently large to permit them to avail themselves satisfactorily of the benefits of such a proposal.

It has been argued that deductions or credits for educational expenses would release college and university scholarship funds to assist the neediest students. Granted that there may be some release

of such of these funds as are expended to supplement the resource of students or their families. Granted also that this release might enable these families to derive sufficient benefit from the instant proposals to enable them to dispense with scholarship assistance. Nevertheless, the difficulty with the argument is that scholarship funds are now generally allocated to assist the neediest students. The problem is not in the allocation of institutional scholarships, but in their limited availability.

Unlike programs of direct aid, tax benefits are rarely reevaluated and modified in light of the purposes they were originally intended to serve. Moreover, the complexity of the tax law may conceal defects in the allocation or extent of the aid afforded. In my views, aid to the educational structure should be pinpointed to the need, as the President's proposal attempts, and should be in a form amenable to adjustment to the changing needs of education.

I am about to yield back my time, with this general observation. I speak most respectfully, but I believe it, when I say that various proposals of one type or another as substitutes for a general Federal aid to education bill will never do the job completely, will never be fully equitable, and will always be, partially at least, discriminatory. We must face what I think is the key question: Do the American people as taxpayers have an obligation to see to it that we proceed, without further delay, to meet the education crisis which now confronts the Republic? Do the American people appreciate the fact that in 17 short years, between now and 1980, we shall have to double the size of every college and university in this country, and establish at least 1,000 new colleges and universities, with an average enrollment of 2,500 students each, to meet the college crisis?

I do not want to divert the attention of the American people from that crisis. In my judgment, from the standpoint of legislative policy, it is a mistake to be giving attention to what I consider to be fringe proposals. They divert attention from the heart of the problem that confronts us. The heart of the problem is the necessity to stop wasting the potential brainpower of the youth of America, not only for their own good, not only for our good as American citizens, but for the good of future generations of Americans.

In my judgment, we cannot delay further, in regard to a general Federal aid program, the benefits which will result to higher education from this bill, the cost to be borne, so far as Federal participation is concerned, by the Treasury of the United States, into which all the taxpayers, without discrimination as far as their ability to pay is concerned, will be required to make a uniform contribution.

That is fair. I think that is an equitable approach. I believe that is an approach which will help to solve the problem.

That is why I believe it is necessary to object to other approaches. That is why I want to associate myself with the arguments presented today, through my lips, by the Department of Health, Edu-

cation, and Welfare, speaking for the administration.

I yield back my time.

Mr. KEATING. Mr. President, I yield myself 5 minutes.

I am cognizant of the position of the Department of Health, Education, and Welfare. However, I am heartened that a distinguished Member of this body, who has just retired as Secretary of Health, Education, and Welfare, does not agree with the arguments advanced, and is supporting a proposal to grant tax deductions to parents or others who may have persons dependent upon them for the cost of education.

I repeat that the amendment is not intended as a substitute for other legislation which I have supported—and I intend to support the bill—but as a supplement to it.

The first argument made by the distinguished Senator from Oregon was that the amendment was class legislation. In the first place, a sincere effort has been made to fashion the amendment so that it would give the greatest benefit to those in more modest circumstances. Perhaps it does not go far enough, but it is tailored to make it possible for a man with a \$5,000 income to get a greater benefit from it than would a man with a \$10,000 or \$15,000 or \$20,000 income.

I call the attention of the Senate to the fact, in response to the argument, that already we are giving a special status in our tax law to those with dependents. One of the basic principles of our tax law is that if a man has 5 children, he gets a deduction of 5 times \$600. Also, a taxpayer can deduct as a dependent anyone, whether his child or not, who is dependent upon the taxpayer to an extent beyond 50 percent for his support, exactly as could be done under the measure I am proposing. In other words, if an uncle or grandmother or grandfather is paying the expenses of the child in college and over half of the support of that child, he can take the deduction. The deduction can be taken for a wife; or some working wives can take it for their husband. It can also be taken for an individual who is working his own way through college, either part time or full time. Under this measure, the deduction would apply to anyone who pays educational fees and tuition and also pays income tax. It does not put a particular halo around a parent, speaking taxwise, but it does apply to anyone who has both taxable income and educational fees.

The Law Review article to which the Senator referred has to do with an entirely different approach, a 30-percent credit. A flat across-the-board approach on that proposal might be open to some of the arguments which the Senator has made in this respect, but it certainly does not apply to the proposal before us; nor does it apply to several of the other formulas that have been proposed.

Second, the point was made that education institutions would immediately raise their fees and tuition costs as a result of the passage of any such legislation. I do not think we can assume that. I have the honor to serve on the

board of a great university. Boards of trustees of educational institutions do not sit around trying to figure out how much more they can take out of parents in their charge for tuition. They are considerate. They raise tuition charges, as they have done over the years, with great reluctance and with considerable dispute. That will continue to be the case.

I do not think we can assume that, if a measure like this should pass, it would immediately result in a rise in tuition rates.

As to the cost figures, we do not have exact figures as yet. I have no quarrel with those presented by the Senator. They are the closest to any figures that so far we have been able to get. The figures cover a rather wide range, from \$120 million to \$450 million.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. I yield myself 1 additional minute.

I recognize, as we all do, that any deduction from taxes means some loss in revenue to the Federal Government. I am not at all sure that, if it resulted in more young people being able to get an education and paying taxes and contributing to the economic well being of the country, in the long run it would result in any loss to the Federal Treasury.

I recognize that there will be opposition from the Federal departments. As the Senator from Connecticut said, that has always been true. But I feel that when we hear from a Member of this body like the Senator from Connecticut [Mr. RIBICOFF], who has seen the other side of the picture, we should recognize that the arguments of the Government departments are without merit. He is serving this body now as the representative of the people of his State and the Nation. With help like that we feel we can succeed in getting such legislation on the statute books, despite the opposition of the Government departments.

Unless there are other Senators who wish me to yield time to them, I shall withdraw the amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. GOLDWATER. Mr. President, during the course of the colloquy between the distinguished Senator from Oregon and the distinguished Senator from Connecticut, I am afraid the inference may have been that my proposal on taxes would be a substitute for the bill. I wanted to make the record clear. In S. 181 I note that title II would apply only to public elementary and secondary schools.

In this provision a tax credit would be given after the taxes had been computed up to \$100 for taxes paid for local school purposes. In the same bill, but in a separate section, I have provided for a deduction for expenses incurred in providing higher education. In the case of the first credit that I mentioned, this proposal, if enacted, would allow to stay at home something in the nature of \$3 to \$3½ billion.

That seemed to be the expense President Kennedy envisioned if the Government provided Federal assistance for elementary education.

It has no bearing at all on higher education. It is true that I hope that by the enactment of title II of my bill the Federal Government would no longer cast its covetous eyes on local education. However, the section I have in the bill allowing for a deduction for expenses in providing higher education is substantially the same as the proposal made by the distinguished Senator from New York [Mr. KEATING] and the distinguished Senator from Connecticut [Mr. RIBICOFF].

Mr. MORSE. Mr. President, will the Senator yield on a procedural matter?

Mr. GOLDWATER. I yield.

Mr. MORSE. Will the Senator inform the Chair how much time he is yielding to himself?

Mr. GOLDWATER. I have an amendment which I intend to call up when the Senator from Oregon has completed the legislative work on the amendment offered by the Senator from New York.

Mr. MORSE. The Senator from New York has already withdrawn his amendment.

Mr. GOLDWATER. I am sorry; I did not understand that to be the case.

Mr. MORSE. The Senator has 45 minutes on his amendment.

Mr. GOLDWATER. I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 37, after line 2, it is proposed to strike out down to and including line 21, on page 49, as follows:

PART A—GRANTS FOR CONSTRUCTION OF ACADEMIC FACILITIES

Appropriations authorized

SEC. 101. (a) In order to enable the Commissioner of Education (hereafter in this Act referred to as the "Commissioner") to make grants to institutions of higher education for the construction of academic facilities in accordance with the provisions of this part A, there is hereby authorized to be appropriated the sum of \$180,000,000 for the fiscal year ending June 30, 1964, and each of the four succeeding fiscal years. In addition to the sums authorized to be appropriated under the preceding sentence, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and each of the three succeeding fiscal years, for making such grants the difference (if any) between the sums authorized to be appropriated under the preceding sentence for preceding fiscal years and the aggregate of the sums which were appropriated for such preceding years under such sentence.

(b) Sums appropriated pursuant to subsection (a) of this section shall remain available for reservation as provided in section 107 until the close of the fiscal year next succeeding the fiscal year for which they were appropriated.

Allotments to States

SEC. 102. (a) Of the funds appropriated pursuant to section 101 for any fiscal year (1) one-half shall be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-half as the number of students enrolled in institutions of higher education in such State bears to the total number of students enrolled in such institutions in all the States; and (2) the remaining one-half shall be allotted by him among the States so that the allotment to each State under this clause will be an amount which bears

the same ratio to such remainder as the number of students enrolled in grades nine to twelve (both inclusive) of schools in such State bears to the total number of students in such grades in schools in all the States. For the purposes of this subsection, (A) the number of students enrolled in institutions of higher education shall be deemed to be equal to the sum of (i) the number of full-time students and (ii) the full-time equivalent of the number of part-time students as determined by the Commissioner in accordance with regulations; and (B) determinations as to enrollment under either clause (1) or clause (2) of this subsection shall be made by the Commissioner on the basis of data for the most recent year for which satisfactory data with respect to such enrollment are available to him.

(b) The amount of each allotment to a State under this section shall be available, in accordance with the provisions of this part A, for payment of the Federal share (as determined under sections 106(b)(3) and 121(d)) of the development cost of approved projects for the construction of academic facilities within such State by institutions of higher education. Sums allotted to a State for the fiscal year ending June 30, 1964, shall remain available for reservation as provided in section 107 until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year.

(c) All amounts allotted under this section for the fiscal year ending June 30, 1965, and each of the three succeeding fiscal years, which are not reserved as provided in section 107 by the close of the fiscal year for which they are allotted, shall be reallocated by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallocated. Amounts reallocated under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

State commissions and plans

SEC. 103. (a) Any State desiring to participate in the grant program under this part A shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions of higher education in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (hereafter in this part A referred to as the "State commission"), a State plan for such participation. The Commissioner shall approve any such plan which—

(1) provides that it shall be administered by the State commission;

(2) sets forth, consistently with basic criteria prescribed by regulation pursuant to section 105, objective standards and methods (A) for determining the relative priorities of eligible projects for the construction of academic facilities submitted by institutions of higher education within the State, and (B) for determining the Federal share of the development cost of each such project (unless such plan provides for a uniform Federal share for all such projects);

(3) provides (A) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State commission and deemed by it to be otherwise approvable under the provisions of this part A; and (B) for approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share, determined by the State commission under the

State plan, of the development cost of the project involved;

(4) provides for affording to every applicant, which has submitted to the State commission a project, an opportunity for a fair hearing before the commission as to the priority assigned to such project or as to any other determination of the commission adversely affecting such applicant; and

(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State commission under this part A, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part A.

(b) The Commissioner is authorized to expend not exceeding \$3,000,000 during each of the first two fiscal years of the program under this Part A in such amounts as he may consider necessary for the proper and efficient administration of the State plans approved under this part A, including expenses which he determines were necessary for the preparation of such plans.

Eligibility for grants

SEC. 104. An institution of higher education shall be eligible for a grant for construction of an academic facility under this part A only if such construction is limited to structures, or portions thereof, especially designed, and to be used only for instruction or research in the natural or physical sciences or engineering or for use as a library, and only if such construction will, either alone or together with other construction to be undertaken within a reasonable time, (1) result in an urgently needed substantial expansion of the institution's student enrollment capacity, or (2) in the case of a new institution of higher education, result in creating urgently needed enrollment capacity.

Basic criteria for determining priorities and Federal share

SEC. 105. (a) As soon as practicable after the enactment of this Act the Commission shall by regulation prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject. Such basic criteria (1) shall be such as will best tend to achieve the objectives of this part A while leaving opportunity and flexibility for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States, and (2) shall give special consideration to expansion of undergraduate enrollment capacity. Subject to the foregoing requirements, such regulations may establish additional and appropriate basic criteria, including provision for considering the degree to which applicant institutions are effectively utilizing existing facilities, provision for allowing State plans to group or provide for grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes, and, in view of the national objectives of this Act, provision for considering the degree to which the institution serves students from two or more States or from outside the United States; and in no event shall an institution's readiness to admit such out-of-State students be considered as a priority factor adverse to such institution.

(b) The Commissioner shall further prescribe by regulation the basic criteria for determining the Federal share of the development cost of any eligible project under this part A within a State, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform in the absence of a uniform statewide

Federal share specified in or pursuant to such plan. The Federal share shall in no event exceed 33 1/3 per centum of the development cost of a project covered by an application approved under this part A.

Applications for grants and conditions for approval

SEC. 106. (a) Institutions of higher education which desire to obtain grants under this part A shall submit applications therefor at such time or times and in such manner as may be prescribed by the Commissioner, and such applications shall contain such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to make the determinations required to be made by him under this part A.

(b) The Commissioner shall approve an application covering a project for construction of an academic facility and meeting the requirements prescribed pursuant to subsection (a) if—

(1) the project is an eligible project as determined under section 104;

(2) the project has been approved and recommended by the appropriate State commission;

(3) the State commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable allotment of the State (including any applicable reallocation to the State);

(4) the project has, pursuant to the State plan, been assigned a priority that is higher than that of all other projects within such State (chargeable to the same allotment) which meet all the requirements of this section (other than this clause) and for which Federal funds have not yet been reserved;

(5) the Commissioner determines that the construction will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials; and

(6) the Commissioner determines that (in addition to the assurance required by section 304 and such assurance as to title to the site as he may deem necessary) the application contains or is supported by satisfying assurances—

(A) that Federal funds received by the applicant will be used solely for defraying the development cost of the project covered by such application,

(B) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion, and

(C) that the facility will be used as an academic facility during at least the period of the Federal interest therein (as defined in section 108).

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

(d) No institution which is eligible for a grant under title II shall be eligible for a grant under this part A.

Amount of grant—payment

SEC. 107. Upon his approval of any application for a grant under this part A, the Commissioner shall reserve from the applicable allotment (including any applicable reallocation) available therefor, the amount of such grant, which (subject to the limits of such allotment or reallocation) shall be equal to the Federal share (ascertained by him under section 106(b)(3)) of the development cost of the project covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine. The Commissioner's reservation of any amount under this section may

be amended by him, either upon approval of an amendment of the application covering such project or upon revision of the estimated development cost of a project with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallocation) available at the time of such approval.

Recovery of payments

SEC. 108. (a) The Congress hereby finds and declares that, if a facility constructed with the aid of a grant or grants under this part A is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal or exceed in value the amount of such grant or grants. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this part A.

(b) If, within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under this part A—

(1) the applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term "academic facility" by section 121(a)(2), unless the Commissioner determines in accordance with regulations that there is good cause for waiving the application of this paragraph to such facility or use,

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility financed with the aid of such grant or grants: Provided, That the authority to waive the application of paragraph (2) of this subsection shall not apply to any case in which a facility (A) is used for sectarian instruction or as a place for religious worship or (B), although not used for a purpose described in clause (A), is used primarily for any part of a program of a school of divinity (as defined in section 122(a)(2)). Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

Administration of State plans

SEC. 109. (a) The Commissioner shall not finally disapprove any State plan submitted under this part A, or any modification thereof, without first affording the State commission submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State commission administering a State plan approved under this part A, finds—

(1) that the State plan has been so changed that it no longer complies with the provisions of section 103(a), or

(2) that in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State commission that the State will not be regarded as eligible to participate in the program under this part A until he is satisfied that there is no longer any such failure to comply.

Mr. GOLDWATER. Mr. President, essentially what the language provides is to strike out, in title I, part a, section 101, the 5 years at \$180 million a year,

or a total of \$900 million. It leaves in title I, part b, section 113, the \$120 million a year for 5 years, or a total of \$600 million.

Therefore, what I am striking at is the \$900 million that is proposed to be provided for grants, which the Senator from Texas [Mr. TOWER] and I, serving on the Educational Subcommittee, feel are not needed. We have submitted minority views to that effect.

As passed by the House, H.R. 6143 provided a combination of grants and loans to public and private nonprofit institutions of higher education for the construction of undergraduate and graduate academic facilities. The committee adopted an amendment in the nature of a substitute providing grants for the construction of facilities to be used for teaching and research in the physical sciences, engineering, and libraries, as well as loans for the construction of undergraduate and graduate academic facilities and grants for the construction of public community college academic facilities.

For the past few years, the Congress has been subjected to a barrage of propaganda concerning the lack of academic facilities in our colleges and universities which prevent many thousands of our young men and women from pursuing a college education. When the committee reported out a higher education bill 2 years ago, we predicted in our minority views, filed with the report on the bill, that the present rapidly expanding rate of construction of academic facilities carried on by the States and private colleges might well result in an excess educational plant, some of which would remain unused. We pointed out further that there are many small colleges today which have never reached the point of fully utilizing their existing enrollment capacity and which, year after year, find themselves with a student body often considerably below the level which they can effectively and comfortably accommodate. If a problem of inadequate college academic facilities does exist, then it is a problem of maldistribution of students among the Nation's colleges rather than any absolute shortage.

The November 4, 1962, issue of This Week magazine contains an article entitled "The College Shortage Is a Myth," which bears out the prediction we made 2 years ago. Responding to the warning that the impending tidal wave of students would create an enrollment crisis threatening our colleges and universities, the author, Gene R. Hawes, conducted a survey of more than 2,000 colleges to determine their expansion plans for accommodating the anticipated increase in college enrollment. This survey revealed that, based on expected facility construction, the Nation's colleges and universities would have an enrollment capacity of as many as 5.4 million by 1965 and 7.1 million by 1970 as compared to the expected student enrollment of 5.2 million by 1965 and 6.8 million by 1970.

Thus it is clear that the evidence is at hand to combat the charge that the Nation's colleges and universities are so

destitute of funds for constructing additional academic facilities that only the Federal Government can rectify their plight. As is true in the case of public elementary and secondary schools, the State, local communities, and private colleges have made the necessary preparations to meet the challenge of increased college student enrollment without relying on the Federal Government to assume their responsibilities.

Apart from the lack of any demonstrated need for this legislation, there are several other important factors which, if given serious consideration, would operate against the approval of this bill, now proposed as a 5-year program but certain to mature into a permanent and costly operation.

During the past decade, every level of education experienced a great expansion in enrollment. However, projections on enrollments conducted by the Bureau of Census indicate that from 1962 to 1970 enrollments in all levels of education will grow at about half the rate as compared with the past 8 years. Whereas college and professional schools experienced an enrollment increase of 74 percent between 1954 and 1962, the projected enrollment for the next 8 years will be only 51 percent. Even more encouraging is the fact that anticipated enrollments in secondary schools will fall off by more than 50 percent. Since the high school students of today will become the college students of tomorrow, it is evident that future enrollments in institutions of higher education will become stabilized to the point where college administrators will be able to cope with an increased student body under more normal conditions.

We have already pointed out that if a problem of inadequate college academic facilities does exist, it is a problem of maldistribution of students rather than any absolute shortage. As an illustration of this charge, the Prudential Insurance Co. prepared a study entitled "Facing Facts About College Admission," which revealed that literally hundreds of good but lesser known colleges and universities were actually seeking students and had the facilities to accommodate them. Many institutions have organized publicity campaigns, including newspapers, radio, and television advertising, in order to attract young men and women to their campuses. Contrary to the constant stream of propaganda flowing from the Office of Education bemoaning the fact that students are being turned away from college doors due to lack of adequate classrooms, laboratories, and libraries, a bulletin, "College Vacancies in the United States and Where To Apply," reports that, pursuant to a poll, nearly 800 accredited colleges and universities still had space available for qualified students when school opened this fall. Another significant fact produced by this poll is found in the statement of the authors, Dr. Benjamin Fine, former education editor of the New York Times, and Sidney A. Eisenberg, an independent educational researcher, that "while the Ivy League colleges may be swamped, the colleges with openings include many of the finest in the country."

In the past few years we have seen a trend among our colleges and universities toward better utilization of existing college facilities by adopting the trimester and quarter plans as a substitute for the conventional semester program. Recent studies have shown that most college classrooms are in use only about 40 percent of the time and laboratories about 25 percent. It is evident that if college facilities were in use year around as well as at night and on weekends, present facilities could more than adequately handle any increase in student enrollment.

A report by the fund for the Advancement of Education bears out this contention:

Particularly in the use of space—classrooms, laboratories, and libraries—most colleges, and universities persist in traditional and inefficient practices that waste their resources and result in unneeded construction. Studies showing excessive waste of existing space were reported in the first manual on space utilization prepared with fund support by the American Association of Collegiate Registrars and Admissions Officers in 1955 and, again, in a brochure published in 1962 by the Educational Facilities Laboratories. Some institutions are now demonstrating that it is possible to have well-filled classrooms and laboratories throughout the day and in late afternoons, evenings, and Saturdays, and to use classrooms and laboratories during the summer without loss in quality of the educational program.

It is paradoxical that even though large-scale programs for expanding college physical plants have been going on ever since the end of World War II and, as pointed out above, will continue during the coming years, the committee bill would make available to institutions of higher education over a billion dollars to be expended for the construction of additional academic facilities, which may prove to be in excess of need. The very vital problems confronting our Nation's colleges and universities are not even considered and perforce will remain unsolved.

Rising educational operating expenses, increased tuition, and fees, primarily in private colleges, and the need for increasing faculty salaries continue to be the major headaches of institutions of higher education and of the parents with children attending those institutions.

During the hearings the committee received testimony from witnesses representing the presidents of 20 independent colleges and universities in support of aid to higher education through tax credits. Briefly, this proposal would amend the Internal Revenue Code to provide a tax credit for tuition and fees paid by a parent for a dependent attending college and also a tax credit for gifts and contributions made to colleges and universities.

Mr. President, this subject has been debated completely in the past several hours, but I should like to add the advantages contained in a program of this type.

The advantages of this proposal are as follows:

First. It would release increased funds which could be used for those purposes most directly related to the real needs of each institution, public or private. In

most cases the most urgent financial needs have to do with the paying of salaries and other operating costs.

Second. It would help to preserve the diversity and flexibility of the whole American educational system which, we believe, is important in maintaining the freedoms and pluralism in our national life.

Third. It would offer a solution to the grave constitutional question which casts a dark shadow over the whole issue of aid to private, independent, and church-related colleges. Such tax credits would offer an acceptable means of channeling greatly enlarged new funds into education, tax-supported or privately supported, State-controlled or independent, secular or religious—and within the framework of a policy long established by the Congress of giving incentive to taxpayers to make voluntary contributions for the support of educational services of all types of organization, philosophy, and control.

Fourth. The independence of action of each institution would be strengthened and enhanced.

I ask unanimous consent to have printed at this point in the RECORD appendix A and appendix B, which appear on pages 27 and 28 of the committee report on H.R. 6143.

There being no objection, appendix A and appendix B were ordered to be printed in the RECORD, as follows:

APPENDIX A (In percent)

	Actual enrollment increase, 1954-62	Projected enrollment increase, 1962-70 (average of 4 projections)
All levels of education.....	35	17
Kindergarten and elementary.....	27	11
High school (grades 9 to 12).....	49	24
Kindergarten to 12th grade.....	32	14
College and professional schools.....	74	51

Source: Bureau of the Census, Current Population Reports, series P-20, Nos. 89 and 120, and series P-25, No. 232.

APPENDIX B

VACANCIES FOR STUDIES EXIST AT 795 COLLEGES (By Dr. Benjamin Fine and Sidney A. Eisenberg)

A total of 795 accredited colleges and universities still have room for qualified students this fall, a survey shows.

While the Ivy League colleges may be swamped, the colleges with openings include many of the finest in the country. The authors polled 3,000 junior and senior colleges, technical schools, teachers colleges, and professional schools. Each college was asked:

"Did you have room for students at your college this past year?"

"Should we refer students to you for admittance or financial aid?"

"Do you have jobs available for students who wish to work their way?"

"Are there jobs in the community for students for part-time work?"

The answers from 795 colleges to each of these four questions was "Yes."

These colleges are in all parts of the United States and cover a wide range of subjects from engineering to agriculture, teaching, business administration, music, art, or nursing. The range of courses is broad.

Students who haven't been accepted for the 1963-64 academic year may still get started on their college careers by applying to these institutions immediately.

The list is also useful to high school seniors who are now making plans for entering college in the 1964-65 year.

A candidate doesn't have to be an A student to get into college. These 795 colleges will consider a B or in many cases even a C student, if otherwise qualified.

We recommend applying to from three to five of these colleges.

Applicants should ask for college catalogs and application forms. Most colleges will ask for biographical sketches. Applicants should tell the facts about themselves in easy-to-read form, and be certain they do not misspell words or use ungrammatical expressions.

Many of the colleges offer scholarships, loans, grants, or campus jobs to help pay for tuition. Many loans are available either through Federal, State, local, or private sources.

The authors have prepared a bulletin listing the 795 colleges in the United States that have room for students. In addition, this bulletin gives instructions on what to do, how to act, and where to write.

Mr. GOLDWATER. Mr. President, to sum up my argument for the adoption of this amendment, in this year and in the coming years of increasingly high deficits, with no indication that there will be a lessening of demand for Federal spending, it is incumbent upon Congress, among its responsibilities and its duties, to eliminate expenditures wherever possible. I am offering an opportunity to eliminate \$1.9 billion in the next 5 years. In my opinion, this will in no way affect the need for the bill; it will in no way affect the accomplishments of the bill. It merely recognizes that colleges and universities have been able to maintain their construction pace on their own. It also recognizes that the encouragement of this procedure is desirable.

I hope that Senators will realize the urgent need of protecting the economy anywhere, particularly in a place where I believe it is obvious that funds being authorized are not needed, nor will they be needed in the years ahead. As I recall, the President, in his message to Congress, asked only for loans. They were provided in S. 580. I would hope that we might be fashioning what the President has requested. I remember that last week the Senate authorized funds in the amount of 15 times what the President asked for. I find myself now on the side of President Kennedy, asking that we in Congress protect the economy and provide only for loans, as the President has asked.

Mr. President, I desire to ask for the yeas and nays on my amendment. I do not see a sufficient number of Senators in the Chamber at the moment.

Mr. MORSE. Mr. President, I suggest the absence of a quorum, the time for a quorum call not to be charged to either side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I ask for the yeas and nays on the Goldwater amendment.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I yield myself 10 minutes.

I urge the Senate to reject the amendment offered by the Senator from Arizona because, in my judgment, the effect of the amendment, if adopted, would be no bill. The vote on this amendment will determine whether the Senate wants a bill on higher education or not.

The amendment would eliminate all the grant provisions of H.R. 6143 in part A. It is an amendment which repudiates the House action, because the House has passed a general grant bill in part A. The Senate has already defeated the Prouty amendment, which would have had the Senate adopt the House bill with its across-the-board general grant provisions.

The Senate is being offered a categorical grant bill. It is being offered the bill of the conference committee last year, minus title II, which was a student loan assistance program. It was represented by the House last year that the conference report bill was defeated because of title II, so we have eliminated title II. We are merely saying, respectfully, to the House: "Let us take the conference bill of last year, in the main, which is a bill that provides for categorical use grants but also for some general purpose loans."

The Senator from Arizona would eliminate all grants found in title I, part A. In my judgment, to adopt his amendment would make the higher education bill in this session of Congress as dead as a dodo. We shall have trouble enough this year getting a conference bill out of the House, even a limited categorical use grant bill.

I ask for the rejection of the Goldwater amendment, not only from the standpoint of the legislative strategic problem which confronts the Senate; I ask for its defeat on the merits of the issue itself.

One-third matching grants are sorely needed. The construction needs to provide for increased facilities for higher education will not be met unless we provide for categorical use grants. The difference between the program offered by the Senator from Arizona [Mr. Goldwater] and the program offered by a majority of the committee on this issue is, "Is there a demonstrated need?" In essence, I think it is fair to say that the Senator from Arizona takes the position that there is no need for a grant program. I believe that is a fair summary of his position. He makes the following contentions on this point: That the present rapidly expanding rate of construction of academic facilities might result in an excess of facilities.

Mr. President, his position is quite different from the testimony given before our committee by witness after witness, educator after educator, and college president after college president. Their testimony supported the major argument which I have made for days in the Senate, in seeking to support the burden of proof, which is mine, that there is a need for the proposed legislation.

If we cannot establish the need for it, of course my case will fail. However, I believe I have clearly shown the need.

Without going into too much detail, I reiterate the contention made by Dr. Logan Wilson, president of the American Council on Education, who points out that between the present time and 1980 we shall need to double the size of every existing university and college, and also to add 1,000 new colleges, with an average enrollment of 2,500 students each if we are to meet the human demand.

Mr. President, on page 5 of the committee report there is to be found further argument in support of this need. Without taking time to read that part of the report, I ask unanimous consent that an excerpt from the report, beginning on page 5, and going to the end of the first paragraph on page 6, be printed at this point in the Record.

There being no objection, the excerpt from the report (No. 557) was ordered to be printed in the Record, as follows:

On page 591 of the subcommittee hearings, in the recommendations on desirable national action for higher education presented by Dr. Mason Gross, president of Rutgers University, on behalf of the Association of State Universities and Land-Grant Colleges, there appear the following paragraphs:

"While our associations and others have repeatedly called attention to this approaching enrollment bulge, and while State universities and land-grant colleges have made almost desperate efforts to prepare for it, they are far behind in meeting the need for classrooms, laboratories, and libraries.

"We believe that 1963 is the fateful year, representing the last clear chance to provide these facilities in time to accommodate those who wish to and should utilize them. Even should appropriations for the construction of these buildings be available early in 1963, the buildings themselves could not possibly be completed before the end of 1964.

"Putting it in its simplest terms, unless funds for academic facilities construction become available in 1963, there will be many of the youth of the Nation who will not be educated at the college and university level.

"Our associations do not suggest that the Federal Government should or could be the sole source of these funds. On the contrary we believe that Federal support is relatively minor when compared with the support which has come and must come from State governments, municipal governments, individuals, business enterprises and voluntary associations. But Federal action is critically important now—in 1963—for without it higher education cannot meet the challenge of the future. Of greater importance—the Nation cannot either."

Dr. Donald E. Deyo, president of the American Association of Junior Colleges, in presenting the need for expansion of junior college facilities, said (p. 1066 of the hearings):

"We know, for example, that capital expenditures for public junior colleges rose from \$41 million in 1960-61 to \$55 million in 1961-62, an increase of 32 percent. In 20 States recently sampled, the aggregate State share of appropriations for operating expenses of junior colleges, will be approximately \$81 million for 1962-63, a gain of a little more than 41 percent over comparable appropriations 2 years ago. In response to a survey conducted by the U.S. Office of Education, public junior colleges reported they would need approximately \$82 million a year during the next 5 years just for expansion of existing plants to accommodate anticipated increases in enrollment. In light of the number of new institutions being established each year, estimated capital outlay

requirements would, of course, be substantially higher."

Mr. MORSE. Mr. President, for the last 4 years for which construction data have been tabulated, 1957-61, the investment in academic, research, and general facilities would provide accommodations for approximately 150,000 additional students per year while enrollments have increased at an annual average of 205,000 during the same period. Considerable improvement in the utilization of existing plants has been accomplished, in order to accommodate more students each year. The construction of dormitories and other auxiliary facilities has been accelerated, because of the stimulus given to that type of construction by loans available from the Housing and Home Finance Agency, through the college housing loan program. The arguments of the distinguished Senator from Arizona failed to recognize that 20 percent of academic facilities presently in use are substandard and functionally obsolete. Serious facilities shortages in the areas of health and research have frequently been documented.

Mr. President, we also have the problem of getting rid of firetraps and other obsolete structures now in use. We will continue to use them until we can get them replaced, but I cannot feel that they are a substantial argument for saying that there is no need for additional facilities.

Second, it is also argued that many existing facilities are not fully utilized. This is true if one assumes that any student would be interested in the program offerings of any college having room for him. Because of the specific interests of students, they may not be interested in going to a junior college, a technical institute, a theological school, or even a college located in a distant community, just because it may have some extra space. Improvement can be made in space utilization, but it is only a partial solution to the need for more capacity; and such greater utilization will not begin to be more than a drop in the bucket, as compared with our need to have additional facilities built by the year 1980.

Third, it is argued by the Senator from Arizona that a survey made by Mr. Gene R. Hawes indicated that institutions had expansion plans to accommodate 7.1 million students by 1970, compared to expected student enrollments totaling only 6.8 million by 1970. He further claimed that evidence was at hand, based upon the Hawes' report, that would combat the charge that Federal assistance was needed.

It is interesting to note that the author of the survey purported by the Senator from Arizona to prove that no need for Federal assistance existed has denied Senator GOLDWATER's charge that the author's work made it clear that there was no essential need for Federal aid to higher education. Dr. Hawes stated:

But Senator GOLDWATER failed to note that my figures represented planned expansion for which an estimated \$15 billion will be needed for buildings alone, as I had also reported. No mention of Federal aid was made in the article, and his unfounded conclusion that no Federal aid is needed could lead to

very serious consequences for the Nation's youth and future strength. Fellow Senators should not support Mr. GOLDWATER's bill on the basis of his mistaken interpretation.

The Hawes' study was based upon the answers received from institutions having 54.4 percent of total higher education enrollment to the single statement:

To aid parents in long-range planning, please estimate what the institution's total full-time undergraduate capacity is likely to be by 1965 and by 1970.

The Office of Education made a study of enrollments and facilities for the 5-year period, 1961-65, with data obtained from institutions having 88 percent of total higher education enrollment. Included in the findings of this survey were: First, institutions would be able to accommodate 41 percent more students in 1965 than 5 years earlier, only if funds were obtainable; second, a net additional capacity of 174,000 students existed at that time—approximately one-half of the present annual rate of increase; third, overcrowding in dormitories was reflected by a net overcapacity of 2 percent in dormitories—thus, these facilities would need to be constructed at a continued accelerated rate; and fourth, almost \$5 billion would need to be invested in instructional, research, and general facilities in the 1961-65 period, to meet their needed expansion. To reach this level, the institutions reported that they would need to obtain \$808.5 million from sources not known at the time of reporting; \$258.8 million from the Federal Government; \$758.3 million from borrowing; \$1,156.3 million from gifts; and the balance from State and local government sources—\$1,710.3 million—and from other sources—\$207.1 million. Thus, less than 55 percent of the amount needed to meet plans was expected to be available from historically traditional sources of State and local appropriations for public institutions and gifts for private institutions.

By way of comparison, for all types of academic needs in all higher education institutions, it is estimated that the rate of investment should be at an annual average rate of \$1.5 billion at least through the balance of the decade of the 1960's. This excludes the needed investments in dormitories, dining halls, student centers, and other auxiliary facilities.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from a letter from Mr. Gene R. Hawes, the author of the survey from which the Senator from Arizona has quoted. The letter is dated January 22, 1963, and was written pursuant to a request I had made for clarification of the data. I also ask unanimous consent to have printed at this point in the RECORD certain other material alluded to in his letter bearing upon the article. I make this request in the interest of saving time.

There being no objection, the letter and the supplementary documents were ordered to be printed in the RECORD, as follows:

HAWTHORNE, N.Y.,

January 22, 1963.

DEAR —: Enclosed is the material you requested by telephone yesterday in connec-

tion with Senator GOLDWATER's misinterpretation of my This Week magazine article. It consists of:

1. A tearsheet of the article with a vital qualification omitted by the Senator bracketed in red.

2. The draft of a statement I've asked my publisher to issue expressing my views specifically of Senator GOLDWATER's interpretation (feel free to use this statement whether my publisher decides to issue it or not).

3. My own detailed statement concerning the future capacity survey findings, an 8-page onionskin typed carbon. You may copy and use this in any way you wish, but I would appreciate its prompt return as it is my only copy; you may keep all other enclosures.

4. The publisher's news release on the future capacity survey findings, a sharply condensed version of the above statement that gives in addition the national percentage expansion by type of institution (last line, chart B).

5. For your general information, the earlier publisher's news release giving my tabulations of survey data concerning admissions policy selectivity.

I hope this may be helpful to you.

Sincerely,

GENE R. HAWES.

AUTHOR REFUTES SENATOR GOLDWATER CHARGE

NEW YORK.—Fellow Senators of the Honorable BARRY M. GOLDWATER, of Arizona, were asked not to join in sponsoring his Educational Opportunities Act of 1963 as Senator GOLDWATER had invited them to do by today (Friday) on the basis of a magazine article interpretation the Senator had made in support of his bill.

The author of the article denied yesterday (Thursday) Senator GOLDWATER's charge that his work made it clear that there was no essential need for Federal aid to higher education.

Gene R. Hawes, whose article appeared in the November 4, 1962, issue of This Week magazine, had based it on information gathered for the second edition of his book, "The New American Guide to Colleges." Through the publisher of the Signet Key paperback, the New American Library, he issued yesterday (Thursday) the following statement:

"My article did report that the Nation's colleges and universities, which I had surveyed for my guide to colleges, expect to expand enough to accommodate all the young men and women predicted to want to attend through 1970. But Senator GOLDWATER failed to note that my figures represented planned expansion for which an estimated \$15 billion will be needed for buildings alone, as I had also reported.

"No mention of Federal aid was made in the article, and his unfounded conclusion that no Federal aid is needed could lead to very serious consequences for the Nation's youth and future strength. Fellow Senators should not support Mr. GOLDWATER's bill on the basis of his mistaken interpretation."

[From This Week magazine, Nov. 4, 1962]
THE COLLEGE SHORTAGE IS A MYTH—HERE'S NEWS: A SURVEY OF 2,000 COLLEGES FORECASTS ROOM FOR EVERYONE WHO SERIOUSLY WANTS TO GO

(By Gene R. Hawes)

CHICAGO.—Ever since 1954, when Executive Dean Ronald B. Thompson, of Ohio State University, first warned of "the impending tidal wave of students," people have been hearing about the enrollment crisis threatening our colleges in the 1960's.

I can now report that, if present expansion plans are realized, there will be room in college—room for all of our children who seriously want to go—through the 1960's.

I know because I asked the colleges—all the colleges, more than 2,000 of them. This had never been done before.

Dean Thompson predicted 5,200,000 students by 1965 and 6,800,000 by 1970. My survey showed that the Nation's colleges, given reasonable help, should have a matching capacity of as many as 5,400,000 by 1965 and 7,100,000 by 1970.

Exciting expansion projects, I've learned, are going ahead in all sections. Lake Forest College in Lake Forest, Ill., reported building in progress and plans to expand full-time enrollment 50 percent. Newark State College, Union, N.J., said it will more than double capacity on its new New Jersey campus.

College after college told me of similar plans. I added and analyzed their figures with the help of an expert, Eugene T. Callahan, assistant head of data processing for the Chicago public schools. Our final grand totals wiped out the shadowy but alarming myth of a great college shortage ahead.

As yet, my figures on future capacity represent expansion planned by the colleges. They'll need \$15 billion for buildings, alone, one authority estimates. However, there's every reason to believe they'll succeed in raising the money. In the past 20 years colleges have shown amazing ability to grow.

My survey revealed some other facts about colleges of the future. I learned that as they continue to grow, they'll change in important ways. Here are some of the new developments parents and college-bound children should be aware of:

Famous colleges: Some of the great private colleges like Yale and Harvard plan relatively limited or no expansion of their undergraduate facilities. But some, like Columbia, are projecting important growth. And several topnotch State universities, such as California and Wisconsin, are in the midst of tremendous expansion programs.

Lesser known colleges: There are hundreds of new or previously little-known schools now offering fine educations to a rapidly expanding body of students. Many are located in or near major cities.

Junior colleges: In general, public colleges and universities are expanding more rapidly than private ones. Perhaps the most dramatic growth is among publicly supported junior colleges. Most of these offer education of good quality, and many of their students graduate and then switch to a large university.

Big versus small colleges: Even though you yourself may have gone to a small college,

be open-minded about the size of your children's future alma maters. There are important advantages in the big universities—wider curriculums, richer activities.

New ways of learning: Don't be surprised if your child's chosen college uses what strikes you as radical departures—such as year-round operation, very large lecture sections, television or teaching-machine instruction, or increased independent study.

New areas of learning: Programs for training vocational specialists like electronic technicians, jet-engine mechanics, medical aids, and computer operators have multiplied by the dozens, particularly in our junior colleges, alongside the traditional collegiate liberal arts and sciences.

Study abroad: Your youngster may have an opportunity to join the growing thousands of American students each year who get part of their college education at foreign universities.

Immediately ahead: College-admissions policies everywhere will be a little stiffer for the next 2 or 3 years. The numbers of applicants are expected to take a sudden 50 percent jump from 1963 to 1965, probably faster than the colleges will be fully ready.

Here are three admissions centers, run by groups of colleges, to which you can write for help in finding a college: College Admissions Center, 610 Church Street, Evanston, Ill.; College Admissions Assistance Center, 41 East 65th Street, New York 21, N.Y.; and Catholic College Admissions Center, 500 Salisbury Street, Worcester 9, Mass.

REPORT ON THE FIRST NATIONAL SURVEY OF FUTURE COLLEGE CAPACITY: 1965 AND 1970

Will America's colleges have room enough for all the young people who will want a college education through the 1960's?

Parents are understandably worried for their children as gaining admission grows steadily more difficult and the numbers pressing into college continue to mount.

College enrollments in 1946 stood at 2 million. Ten years later, in 1956, they had neared 3 million. Today they have reached just about to the 4-million mark.

And the bulk of the tidal wave of students due through the 1960's still looms ahead.

The question of "Will there be room?" moved each house of Congress to authorize \$1½ billion for constructing college facilities

ties in the session ended just last month. But the measures, passed in separate bills, failed when differences between them could not be resolved in joint conference.

By contrast, a heartening answer to the question of "Will there be room?" has been given by the colleges themselves.

Their answer is a qualified but resolute, "Yes."

America's colleges and universities will have room for the unprecedented numbers of students due through the 1960's if their expansion plans can be realized.

This was found in a recent college-by-college survey of more than 2,000 institutions that is believed to be the first of its kind.

In earlier studies sponsored by the American Association of Collegiate Registrars and Admissions Officers, maximum enrollment projections have been made for each future year by Dr. Ronald B. Thompson, executive dean at Ohio State University. Dean Thompson first warned of the "impending tidal wave of students" in his now-famous phrase—and figures—in 1954.

His most recent figures on national enrollment demand include maximum projections of 5,200,000 for 1965 and 6,800,000 for 1970.

Matching maximum capacity figures in the new survey total 5,400,000 by 1965 and 7,100,000 by 1970 for all colleges and universities.

These totals were made public for the first time today (Sunday) in an article in *This Week* magazine by Gene R. Hawes, who conducted the survey for the second edition of his book "The New American Guide to Colleges."

The totals represent maximum expansion planned by the colleges, he stressed. Estimates of the funds that the colleges will need in order to expand on this large a scale range upward from \$15 billion for buildings alone.

Future capacity figures for each institution are reported with other basic facts about the college in the second edition of his book, which was published earlier this year by the New American Library and Columbia University Press.

Being made public for the first time in this statement are the regional figures on future college capacity and expansion by type of college that follow:

Amount by which colleges in major regions plan expansion by 1970

Region	Percentage by which will expand	1961-62 enrollment	Amount by which will expand	Rank order by amount	Region	Percentage by which will expand	1961-62 enrollment	Amount by which will expand	Rank order by amount
Pacific ¹	126	618,900	781,100	1st.	Mountain ¹	68	176,600	120,400	8th.
West South Central ²	107	323,200	347,800	4th.	South Atlantic ³	68	450,200	307,800	5th.
East North Central ³	90	761,500	688,500	2d.	New England ⁴	47	260,700	117,300	9th.
East South Central ⁴	90	200,700	181,300	7th.					
Middle Atlantic ⁵	77	668,000	513,000	3d.	United States.....	85	10 3,891,000	3,398,500	
West North Central ⁶	72	346,700	251,300	6th.					

¹ Pacific: California, Oregon, Washington, Alaska, Hawaii.

² West south central: Arizona, Louisiana, Oklahoma, Texas.

³ East north central: Illinois, Indiana, Michigan, Ohio, Wisconsin.

⁴ East south central: Alabama, Kentucky, Mississippi, Tennessee.

⁵ Middle Atlantic: New Jersey, New York, Pennsylvania.

⁶ West north central: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

¹ Mountain: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming.

³ South Atlantic: Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia.

⁴ New England: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

¹⁰ Includes 94,500 other (territories, military, etc.).

New England (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

[217 colleges, 8.4 percent of U.S. total; population, 5.8 percent of U.S. total]

	1965	1970
College capacity (Hawes survey).....	306,000	368,000
Enrollment demand (Thompson study).....	341,000	415,000
Indicated shortage.....	35,000	47,000

Types of colleges planning largest expansion by 1970 (and percentage expansion planned above 1961-62 enrollments):

	Percent
Public junior colleges.....	137
Teachers and State teachers colleges.....	98
State universities.....	73
Private junior colleges.....	65
Private coed liberal arts colleges.....	42
Engineering and technical colleges (few institutions).....	69

(Expansion by 1970 above 1961-62 enrollments planned by other major types: Men's

liberal arts colleges, 13 percent; women's liberal arts colleges, 13 percent; private universities, 11 percent.)

Middle Atlantic (New Jersey, New York, Pennsylvania)

[434 colleges, 16.7 percent of U.S. total; population, 19.1 percent of U.S. total]

	1965	1970
College capacity (Hawes survey).....	924,000	1,181,000
Enrollment demand (Thompson study).....	884,000	1,129,000

Types of colleges planning largest expansion by 1970 (and percentage expansion planned above 1961-62 enrollments):

	Percent
Public junior colleges.....	224
State universities.....	132
Engineering and technical colleges (few institutions).....	180
State colleges.....	99
Teachers and State teachers colleges.....	89
Private universities.....	51
Private coed liberal arts colleges.....	45

(Expansion by 1970 above 1961-62 enrollments planned by other major types: Men's liberal arts colleges, 21 percent; women's liberal arts colleges, 23 percent; private junior colleges—few institutions, 61 percent; colleges in special fields, 36 percent.)

South Atlantic (Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia)

[370 colleges, 14.3 percent of U.S. total; population, 14.3 percent of U.S. total]

	1965	1970
College capacity (Hawes survey).....	609,000	758,000
Enrollment demand (Thompson study).....	591,000	754,000

Types of colleges planning largest expansion by 1970 (and percentage expansion planned above 1961-62 enrollments):

	Percent
Public junior colleges.....	183
State universities.....	93
Teachers and State teachers colleges.....	82
Private junior colleges.....	73
State colleges.....	72
Colleges in special fields.....	73

(Expansion by 1970 above 1961-62 enrollments planned by other major types: Private coed liberal arts colleges, 34 percent; men's liberal arts colleges, 19 percent; women's liberal arts colleges, 28 percent; private universities, 40 percent; engineering and technical colleges, 14 percent.)

East north central (Illinois, Indiana, Michigan, Ohio, Wisconsin)

[470 colleges, 18.1 percent of U.S. total; population, 20.2 percent of U.S. total]

	1965	1970
College capacity (Hawes survey).....	1,090,000	1,450,000
Enrollment demand (Thompson study).....	993,000	1,369,000

Types of colleges planning largest expansion by 1970 (and percentage expansion planned above 1961-62 enrollments):

	Percent
Private junior colleges (relatively few institutions).....	317
State colleges.....	118
State universities.....	113
Public junior colleges.....	111
Teachers and State teachers colleges.....	101
Colleges for Bible and religious studies (few institutions).....	126

(Expansion by 1970 above 1961-62 enrollments planned by other major types: Private coed liberal arts, 57 percent; men's liberal arts colleges—relatively few institutions, 90 percent; women's liberal arts colleges, 59 percent; private universities, 43 percent; engineering and technical colleges, 68 percent;

colleges in special fields—relatively few institutions, 75 percent.)

East south central (Alabama, Kentucky, Mississippi, Tennessee)

[191 colleges, 7.4 percent of U.S. total; population, 6.7 percent of U.S. total]

	1965	1970
College capacity (Hawes survey).....	292,000	382,000
Enrollment demand (Thompson study).....	275,000	351,000

Types of colleges planning largest expansion by 1970 (and percentage expansion planned above 1961-62 enrollments):

	Percent
Public junior colleges.....	93
Private junior colleges.....	91
Engineering and technical colleges.....	91
State colleges.....	88
State universities.....	80
Private coed liberal arts college.....	64

West south central (Arkansas, Louisiana, Oklahoma, Texas)

[230 colleges, 8.9 percent of U.S. total; population, 9.4 percent of U.S. total]

	1965	1970
College capacity (Hawes survey).....	446,000	671,000
Enrollment demand (Thompson study).....	465,000	608,000
Indicated shortage.....	19,000	

Types of colleges planning largest expansion by 1970 (and percentage expansion planned above 1961-62 enrollments):

	Percent
Public junior colleges.....	115
Private junior colleges.....	113
Private coed liberal arts colleges.....	82
State colleges.....	71
Teachers and State teachers colleges.....	67

(Expansion by 1970 above 1961-62 enrollments planned by other major types: Men's liberal arts colleges—few institutions, 130 percent; private universities 44 percent; State universities, 58 percent.)

West north central (Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota)

[279 colleges, 10.8 percent of U.S. total; population, 8.6 percent of U.S. total]

	1965	1970
College capacity (Hawes survey).....	486,000	598,000
Enrollment demand (Thompson study).....	450,000	607,000
Indicated shortage.....		9,000

Types of colleges planning largest expansion by 1970 (and percentage expansion planned above 1961-62 enrollments):

	Percent
State colleges.....	92
Public junior colleges.....	82
State universities.....	70
Teachers and State teachers colleges.....	69
Private universities.....	67

(Expansion by 1970 above 1961-62 enrollments planned by other major types: Private coed liberal arts colleges, 53 percent; women's liberal arts colleges, 56 percent; men's liberal arts colleges, 41 percent; private junior colleges—relatively few institutions, 71 percent.)

Mountain States (Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming)

[118 colleges, 4.5 percent of U.S. total; population, 3.9 percent of U.S. total]

	1965	1970
College capacity (Hawes survey).....	240,000	297,000
Enrollment demand (Thompson study).....	239,000	345,000
Indicated shortage.....		48,000

Types of college planning largest expansion by 1970 (and percentage expansion planned above 1961-62 enrollments):

	Percent
Private universities.....	102
State universities.....	78
Private coed liberal arts colleges.....	49

(Expansion by 1970 above 1961-62 enrollments planned by other major types: State colleges, 33 percent; few or relatively few institutions—public junior colleges, 116 percent; private junior colleges, 112 percent; teachers and State teachers colleges, 49 percent.)

Pacific (California, Oregon, Washington, Alaska, Hawaii)

267 colleges, 9.7 percent of U.S. total; population, 11.9 percent of U.S. total]

	1965	1970
College capacity (Hawes survey).....	1,002,000	1,400,000
Enrollment demand (Thompson study).....	968,000	1,238,000

Types of colleges planning largest expansion by 1970 (and percentage expansion planned above 1961-62 enrollments):

	Percent
State colleges.....	146
State universities.....	115
Public junior colleges.....	95
Teachers and State teachers colleges.....	107

(Expansion by 1970 above 1961-62 enrollments planned by other major types: private coed liberal arts colleges, 72 percent; men's liberal arts colleges, 64 percent; colleges in special fields, 112 percent.)

Total capacity figures in the new survey are maximum ones, Mr. Hawes points out. Computation of them was based on the assumption that nonrespondents in the survey would expand in the same proportions by region and type of institution as respondents.

Institutions representing 54.4 percent of the total U.S. college enrollment in 1961-62 responded in the survey, he states. Assuming no expansion on the part of nonrespondents gives U.S. total capacities of 4,672,000 by 1965 and of 5,542,000 by 1970.

Corresponding projections of minimum-maximum enrollment demand in Dr. Thompson's study are 4,566,000-5,206,000 by 1965 and 5,456,000-6,817,000 by 1970.

Eugene T. Callahan, assistant head of data-processing for the Chicago public schools, helped in the computation and analysis of data in the new survey.

In giving the future capacity figures in the survey, colleges answered the question: "To aid parents in long-range planning, please estimate what the institution's total full-time undergraduate capacity is likely to be by 1965 and 1970." Appropriate corrections were made in the figures received to make them directly comparable with Dr. Thompson's projections, which include graduate-level and part-time degree-credit students.

Likely future capacity figures are given for individual colleges in the "New American

Guide to Colleges" so that parents might assess the prospects of their younger children for admission to particular colleges and types of colleges in future years.

Findings of the future capacity survey for each major region of the country appear on the attached sheets.

The PRESIDING OFFICER. The time the Senator from Oregon has yielded to himself has expired.

Mr. MORSE. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 additional minutes.

Mr. MORSE. There is no question about the sincerity and conviction of the Senator from Arizona. He and I have served on the Committee on Labor and Public Welfare for many years. As chairman of the subcommittee, I am greatly indebted to him for the cooperation he has extended to me time and time again. We have found ourselves in agreement on a great many subjects. On such occasions, we have either been co-sponsors of the proposal or we have argued together on the same side on the floor of the Senate or in committee.

He and I have a difference on the issue before the Senate, of the burden of proof, that is as deep and wide as any chasm could be. I believe that the evidence is against his position. There is such a crying need for rapid action in supplying facilities to the institutions of higher learning that if we do not undertake the program, we shall threaten the greatest security weapon we have, which as I have said so many times, is the development to the maximum extent possible of the potential brainpower of the youth of America.

We cannot do so unless we supply the necessary facilities that would make it possible for those who want to go to college to go to college.

Their numbers far exceed the predictions that my good friend the Senator from Arizona makes. I am greatly concerned.

To bring it close to home, last week, by way of an initiative in my State, the people of my State voted on the tax bill adopted by the last session of the legislature. I am glad that they had an opportunity to vote on the issue, because I am a strong supporter of the Oregon system of referendum and recall. The people thought there were a great many inequities in the tax structure adopted by the State legislature, and therefore, by an initiative vote of approximately 3 to 1, they canceled out the tax program of the legislature.

The Governor has had to call a special session of the legislature to determine what to do in relation to our tax structure. If this initiative decision of the people stands—and it will stand until the legislature adopts another tax program more to the liking of the people of our State—the cuts will have to be taken in two main areas—education and public welfare. Some savings undoubtedly will be made wherever they can be made in every department of State operation, but Senators should have been with me

last Thursday afternoon when I sat with the president of Portland State College in Portland.

He said, "Senator, unless some funds are supplied, in view of the cuts that will have to be adopted as a result of the vote of the people last Tuesday, 1,800 to 2,000 students now enrolled in Portland State will have to be dismissed at the end of this quarter. We cannot even keep them here. We had already turned down, at the beginning of the present term, hundreds of students who wished to come in. But we have not the facilities for them."

That was not a single college president, speaking for himself. That is the burden of the testimony we received from college president after college president from coast to coast. We are already denying admission to the colleges of America to thousands of young men and women who wish to go to college. Now, in effect, it is proposed by the amendment to impose further restrictions. We cannot ignore the human factors. They are deeply involved in the bill for which I am pleading in the Senate. To illustrate, I should like to read a letter which is typical. It is dated October 5:

DEAR SENATOR MORSE: I am writing to you in behalf of my 20-year-old son, Kenneth—

Giving his last name.

He is desperate to get a college education. This is his junior year and he has had to work hard for money during the summer months. He has borrowed and paid back several college loans and has even forgone the pleasure of owning an automobile the whole time.

This fall he registered at Portland State College in order to keep his job to pay his way and not go back to Oregon State University at Corvallis, where he has attended previously.

The boy was an honor student at Corvallis. We are talking about the plight of an honor student.

Continuing to read from the letter:

He wants to major in medicine and has chosen to be a physician as his life profession. He played on the first team of football for his 4 years at Jefferson High School, was an honor student last year at OSU, and is a member of Alpha Tau Omega fraternity and in good standing.

Now, after registering at Portland State College, the registrar has informed him that he cannot attend this term because all his classes that he signed up for are full and there is no room for him.

The professors do not give him much satisfaction in trying to work out the problem and do not seem to show the interest that we think they should for one so interested in his education.

This situation is a big disappointment to Ken and a vital concern to us, his parents, and we would surely appreciate anything you can do to help us.

Very truly yours,

Mr. President, I cannot be of any help when the facilities do not exist.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, I yield myself 2 more minutes.

We must build the facilities to meet the needs of such young men and wom-

en all over the country. We cannot do so unless the Federal Government assumes its fair share of the burden.

Mr. President, I urge that the Goldwater amendment be rejected. I urge the passage of the bill as the committee, by an overwhelming vote, reported it to the Senate.

I yield back the remainder of my time.

Mr. GOLDWATER. Mr. President, I yield myself 5 minutes.

The distinguished Senator from Oregon commented on the article of Mr. Gene Hawes, to which I referred in my minority views.

First, I do not believe I have said that Federal aid is not needed at higher educational levels. I do not find any reference to Federal aid in Mr. Hawes' article. I obtained my information in large measure from the survey of that distinguished man. Our contention is that grants are not needed, that the universities and colleges have been taking care of their building programs, and they have been more than adequately taking care of them. In his article Mr. Hawes said:

As yet, my figures on future capacity represent expansion planned by the colleges. They'll need \$15 billion for buildings alone, one authority estimates. However, there's every reason to believe that they'll succeed in raising the money. In the past 20 years colleges have shown amazing ability to grow.

I ask unanimous consent that the entire article by Mr. Hawes, entitled "The College Shortage Is a Myth," which appeared in This Week magazine on November 4, 1962, be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE COLLEGE SHORTAGE IS A MYTH

(By Gene R. Hawes)

CHICAGO.—Ever since 1954, when Executive Dean Ronald B. Thompson, of Ohio State University, first warned of the impending tidal wave of students, people have been hearing about the enrollment crisis threatening our colleges in the 1960's.

I can now report that, if present expansion plans are realized, there will be room in college—room for all of our children who seriously want to go—through the 1960's.

I know because I asked the colleges—all the colleges, more than 2,000 of them. This had never been done before.

Dean Thompson predicted 5,200,000 students by 1965 and 6,800,000 by 1970. My survey showed that the Nation's colleges, given reasonable help, should have a matching capacity of as many as 5,400,000 by 1965 and 7,100,000 by 1970.

Exciting expansion projects, I've learned, are going ahead in all sections. Lake Forest College in Lake Forest, Ill., reported building in progress and plans to expand full-time enrollment 50 percent. Newark State College, Union, N.J., said it will more than double capacity on its new New Jersey campus.

College after college told me of similar plans. I added and analyzed their figures with the help of an expert, Eugene T. Callahan, assistant head of data processing for the Chicago public schools. Our final grand totals wiped out the shadowy but alarming myth of a great college shortage ahead.

As yet, my figures on future capacity represent expansion planned by the colleges. They'll need \$15 billion for buildings alone,

one authority estimates. However, there's every reason to believe they'll succeed in raising the money. In the past 20 years colleges have shown amazing ability to grow.

My survey revealed some other facts about colleges of the future. I learned that as they continue to grow, they'll change in important ways. Here are some of the new developments parents and college-bound children should be aware of:

Famous colleges: Some of the great private colleges like Yale and Harvard plan relatively limited or no expansion of their undergraduate facilities. But some, like Columbia, are projecting important growth. And several topnotch State universities, such as California and Wisconsin, are in the midst of tremendous expansion programs.

Lesser known colleges: There are hundreds of new or previously little known schools now offering fine educations to a rapidly expanding body of students. Many are located in or near major cities.

Junior colleges: In general, public colleges and universities are expanding more rapidly than private ones. Perhaps the most dramatic growth is among publicly supported junior colleges. Most of these offer education of good quality, and many of their students graduate and then switch to a large university.

Big versus small colleges: Even though you yourself may have gone to a small college, be openminded about the size of your children's future alma maters. There are important advantages in the big universities—wide curriculums, richer activities.

New ways of learning: Don't be surprised if your child's chosen college uses what strike you as radical departures—such as year-round operation, very large lecture sections, television or teaching-machine instruction, or increased independent study.

New areas of learning: Programs for training vocational specialists like electronic technicians, jet-engine mechanics, medical aids, and computer operators have multiplied by the dozens, particularly in our junior colleges, alongside the traditional collegiate liberal arts and sciences.

Study abroad: Your youngster may have an opportunity to join the growing thousands of American students each year who get part of their college education at foreign universities.

Immediately ahead: College admissions policies everywhere will be a little stiffer for the next 2 or 3 years. The numbers of applicants are expected to take a sudden 50-percent jump from 1963 to 1965, probably faster than the colleges will be fully ready.

Here are three admissions centers, run by groups of colleges, to which you can write for help in finding a college: College Admissions Center, 610 Church Street, Evanston, Ill.; College Admissions Assistance Center, 41 East 64th Street, New York, N.Y.; and Catholic College Admissions Center, 500 Salisbury Street, Worcester, Mass.

Mr. GOLDWATER. All I can say is that if Mr. Hawes now disagrees with his own conclusions, I have to agree with them. That kind of article is written for the edification of the public and for the edification of people in public life. I find that his analysis of 2,000 colleges coincides with what I have suspected to be true. I am grateful to him for having provided the language. But I do not think he can back up on it, because these articles are written for us to gain our own conclusion.

I remind my distinguished friend from Oregon that when he states that the adoption of my amendment would mean no bill, at the last Congress we passed a bill very similar to the one now before

the Senate but containing no grants. The bill provided only for loans. For the life of me I cannot understand why we have to go to grants when the colleges are perfectly willing to borrow the money. We make adequate money available. The interest rates are not difficult. Repayment is not difficult. The controls so far are not difficult or insurmountable. So I see no reason for us to suddenly go to grants, particularly if we are to follow the admonition of many Senators to adhere closely to the wishes of the President.

The President submitted a draft of a bill to strengthen and improve educational equality and educational opportunities in the Nation, under the title "Expansion and Improvement of Higher Education." In his message of January 29, 1963, relative to a proposed program for education, the President said:

I recommend therefore the prompt enactment of a program to provide loans to public and nonprofit private institutions of higher education for the construction of urgently needed academic facilities.

So, although I do not often find myself in total or partial agreement with the President—a delightful person though he is—I now find myself in complete accord. I stand here as a Republican trying to help the New Frontier. I do not wish it to get out of bounds. I do not wish to see the mules galloping off in one direction and the wagon going in another.

The President has said he is going to control the spending by Congress by not asking for more programs that require more money. I suggest to Senators on both sides of the aisle that this is a golden opportunity to put our shoulders to the wheel and help the wagon master of the New Frontier to get the wagon train going down the trail of fiscal responsibility—down the trail that points to a more sound dollar—and also at the same time head it down a trail that points to better educational facilities.

As the Senator from Oregon knows, I have gone along with him on this type of legislation. He and I fought shoulder to shoulder last year in conference—futilely, I might say, because we never came up with a happy solution, but we tried. But my opposition to this proposal is based on the fact that, without any request from the President, there have been included grants to colleges. The colleges have been getting along perfectly well with loans. I see nothing wrong or dishonorable in the practice of Americans borrowing money and paying it back.

Mr. President, I have no further comment to make on my amendment. I urge Senators to support it so that they can help education and at the same time give the President an opportunity to say to the American people, "I meant what I said. Here is \$800 million saved."

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment to the committee amendment offered by the Senator from Arizona. On this question the yeas and

nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Maryland [Mr. BREWSTER], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PELL], the Senator from Missouri [Mr. SYMINGTON], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from North Dakota [Mr. BURDICK] and the Senator from Mississippi [Mr. EASTLAND] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PELL], the Senator from Missouri [Mr. SYMINGTON], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Texas [Mr. YARBOROUGH] would each vote "nay."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from Maryland would vote "nay," and the Senator from Colorado would vote "yea."

On this vote, the Senator from North Dakota [Mr. BURDICK] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from North Dakota would vote "nay," and the Senator from Idaho would vote "yea."

On this vote, the Senator from Indiana [Mr. HARTKE] is paired with the Senator from Oklahoma [Mr. EDMONDSON]. If present and voting, the Senator from Indiana would vote "nay," and the Senator from Oklahoma would vote "yea."

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Idaho would vote "nay," and the Senator from Mississippi would vote "yea."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Nevada would vote "nay," and the Senator from Louisiana would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. COTTON] is absent on official business as Congressional Advisor to the Radio Conference of the International Tele-

communications Union, Geneva, Switzerland.

The Senator from Colorado [Mr. DOMINICK], the Senator from Idaho [Mr. JORDAN], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Delaware [Mr. BOGGS] and the Senator from South Dakota [Mr. MUNDT] are absent because of illness.

The Senator from Kentucky [Mr. MORTON] is detained on official business.

On this vote, the Senator from Delaware [Mr. BOGGS] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Delaware would vote "nay," and the Senator from Texas would vote "yea."

On this vote, the Senator from Idaho [Mr. JORDAN] is paired with the Senator from North Dakota [Mr. BURDICK]. If present and voting, the Senator from Idaho would vote "yea," and the Senator from North Dakota would vote "nay."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from Maryland [Mr. BREWSTER]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Maryland would vote "nay."

If present and voting the Senator from Kentucky [Mr. MORTON] would vote "nay."

The result was announced—yeas 21, nays 53, as follows:

[No. 195 Leg.]

YEAS—21

Allott	Hill	Russell
Bennett	Holland	Saltonstall
Byrd, Va.	Hruska	Simpson
Curtis	Lausche	Sparkman
Diksen	McClellan	Stennis
Ervin	Mechem	Talmadge
Goldwater	Robertson	Thurmond

NAYS—53

Aiken	Inouye	Moss
Bartlett	Jackson	Muskie
Bayh	Javits	Nelson
Beall	Johnston	Neuberger
Bible	Jordan, N.C.	Pastore
Byrd, W. Va.	Keating	Pearson
Carlson	Kennedy	Proxmire
Case	Kuchel	Randolph
Clark	Mansfield	Ribicoff
Cooper	McCarthy	Scott
Dodd	McGee	Smithers
Douglas	McGovern	Smith
Fong	McIntyre	Walters
Gore	McNamara	Williams, Del.
Gruening	Metcalf	Young, N. Dak.
Hart	Miller	Young, Ohio
Hickenlooper	Monroney	
Humphrey	Morse	

NOT VOTING—26

Anderson	Edmondson	Magnuson
Boggs	Ellender	Morton
Brewster	Engle	Mundt
Burdick	Fulbright	Pell
Cannon	Hartke	Symington
Church	Hayden	Tower
Cotton	Jordan, Idaho	Williams, N.J.
Dominick	Long, Mo.	Yarborough
Eastland	Long, La.	

So Mr. GOLDWATER's amendment to the committee amendment was rejected.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, what is pending before the Senate? Is an amendment pending?

The PRESIDING OFFICER. The committee amendment is open to further amendment. If there be no further amendment to be offered, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

Without objection, the committee amendment as amended is agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. COOPER. Mr. President, I am compelled to vote against the bill (H.R. 6143) to authorize assistance to public and other nonprofit institutions of higher education. It is difficult for me to vote against an education bill. I believe this may be the first one against which I shall have voted during my service in the Senate. In that time I have introduced, cosponsored, and supported many bills to provide assistance for primary and secondary schools and for colleges and universities. I supported the original bill and subsequent bills which have provided aid to public colleges and universities and housing loans for private, nonprofit colleges. I still support such aid.

I will vote against the pending bill because I believe its provision of loans for the general purposes of church-related schools contravenes the first amendment to the Constitution. In a number of cases decided in recent years, beginning with the Everson case in 1947, the Supreme Court has laid down the constitutional principle by which any State or Federal legislation providing aid to church schools must be tested. This constitutional principle interprets the first amendment to the Constitution, which provides in its first clause:

The Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Mr. President, I ask unanimous consent that an excerpt from the majority opinion written by Mr. Justice Black in the Everson case may be printed in the RECORD at this point. I will quote the essential statement of the constitutional principle as it applies to the pending bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The establishment of religion clause of the first amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any

religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly, or secretly, participate in the affairs of any religious organization or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state.

Mr. COOPER. Mr. President, it will be noted that the principle laid down is this:

No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.

I make the point that it is of no importance whether the aid is called a grant or loan. The gravamen of the issue is whether the aid is derived from tax funds. If there were no doubt about the constitutionality of the aid, the type of aid made available to all schools should be the same. As grants are made available to public institutions, grants ought to be made available to private institutions and church schools as well, if such general aid to church related schools is constitutional.

The Supreme Court, in the Everson case, approved the reimbursement to parents of the cost of bus transportation of their children to church schools upon the ground that transporting a pupil to a church school was for the direct benefit of the child and only of "incidental benefit" to the school.

Congress has enacted a number of laws providing various types of aid to students attending church schools. I have supported such bills. Among those are the provision of scholarship loans to high school graduates, and fellowships to university students under the National Defense Education Act, which I helped write as a member of the Committee on Labor and Education. Another is the provision of lunches to all school children, whether in public or private schools. Other legislation provides loans for the construction of college housing.

While these enactments have not been tested in the courts, I believe the court could decide that they are of primary benefit to the students, and only incidentally beneficial to the church-related colleges, and the aid provided is constitutional.

Other types of aid have been made available, such as the provision of scientific equipment and research grants to colleges and universities, which have been argued to be proper and constitutional upon the basis of their essentiality to national defense. Again, this type of aid has not been tested on the Courts, and I do not attempt to speculate upon the position the Supreme Court might take if such enactments were questioned.

The bill before the Senate proposes to go further in the extension of aid to church related schools than any other legislative proposal with which I am familiar. The bill would provide loans for the construction of "academic facilities." The "academic facilities," and the exclusions so far as they relate to church and private schools, are defined

in section 121 of the bill. I ask unanimous consent that the applicable provisions of section 121 may be printed in the RECORD at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PART C—GENERAL PROVISIONS FOR LOAN
AND GRANT
Programs
Definitions

SEC. 121. As used in this title—

(a) (1) Except as provided in subparagraph (2) of this paragraph, the term "academic facilities" means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administration of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities.

(2) The term "academic facilities" shall not include (A) any facility intended primarily for events for which admission is to be charged to the general public, or (B) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Commissioner finds that the physical integration of such facilities with other academic facilities included under this title is required to carry out the objectives of this title, or (C) any facility used or to be used for sectarian instruction or as a place for religious worship, or (D) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school of divinity.

Mr. COOPER. The definition of academic facilities includes every type of facility and every type of building that can be constructed for the use of a church-related school, with the exception of buildings which would be used for religious instruction or worship buildings to which entrance fees could be charged the public and facilities designed for athletics or recreation. I know it will be argued that as the definition of "academic facilities" excludes those structures which would be used for sectarian instruction, or as a place of religious worship, the prohibition of the first amendment is satisfied.

Considering the principle laid down by the Supreme Court that no tax may be levied to "support any religious activities of institutions," this argument is not tenable. If tax funds can be provided to construct practically any type of buildings used by a church-related school, as this bill would do, it cannot be said that such support is of only "incidental benefit" to the college or university, within the exception laid down in the Everson case.

In the case of *Illinois Ex. rel. McCollum* against Board of Education, which followed the Everson case, the Supreme Court held that a public school building could not be used by a religious denomination for religious exercises during so-called released time. If a school building constructed by the use of taxes levied upon all the people cannot be loaned to conduct religious exercises, it is illogical for the Congress to say that loans from a tax levy against all citizens,

can be made to a church school to construct practically all of its academic facilities.

In the "prayer cases," recently decided, the Supreme Court reaffirmed the constitutional provision cited in the Everson case. It seems clear that if a simple prayer exercise cannot be conducted in a public school because it is supported by tax funds, on the ground that to do so would tend to establish a religion, it is illogical to argue that tax funds can be made available to construct practically all of the facilities of a church-related college.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. COOPER. I yield myself 5 additional minutes.

In taking this position, I do so with full knowledge and appreciation of the great place that religious colleges have in our national life. They educate thousands of young men and women. They provide for them special values in the breadth of their teaching, and fundamental values in the teaching of religion.

My opposition to this provision of the bill rests upon constitutional grounds—the constitutional principle that has been determined by the Supreme Court in case after case since 1947. It may seem dull and theoretical to speak of a bill like this in constitutional terms; but we are talking about a constitutional principle—that of the separation of church and state—which has been held essential in our national life since the founding of the Republic. We cannot ignore it.

One who takes this position may run the risk of being charged with having bias or prejudice against some religious denomination. Our church schools are of all denominations—Protestant, Catholic, Jewish, Mormon, and other faiths. The principle runs across the whole breadth of our religious denominations. I am, therefore, not speaking about any particular religious denomination; the principle I support applies to all church-related schools.

I have had the honor of serving as a member of the board of trustees of Georgetown College, a Baptist college in Kentucky. I have the honor of serving as a trustee of a Presbyterian college in Kentucky, the second oldest college west of the Allegheny Mountains, Centre College which I attended for a year. I serve today as a member of the Yale Council of Yale University, a university which I attended. Thus, I make my statement upon the basis of what I consider to be the principle enunciated in the recent cases decided by the Supreme Court, without regard to any church-related college or university.

Last Tuesday, the distinguished senior Senator from North Carolina [Mr. Ervin] and I offered an amendment which, if it had been adopted would have stricken from the bill the provision of tax funds for the construction of academic facilities for church-related schools. The amendment was rejected by a vote of 55 to 26.

A second amendment which we offered provides a procedure by which a taxpayer will be enabled to test the validity of

loans to church-related school for such general purposes as the construction of practically all its buildings. This amendment was adopted by a vote of 45 to 33. I hope that this second amendment will be retained in conference and will be approved by the House, because whatever one's opinions may be about the interpretation of the first amendment as it relates to Federal and State aid to church-related schools, it is important to the public schools, the church schools, and our country to have this issue settled.

As I said earlier, I have supported and helped write a number of measures in which aid of different types has been made available to students attending church-related schools—including college housing—because I consider such aid to be of direct benefit to the students and to be constitutional. But I cannot support this bill because it goes far beyond any previous legislative enactment. It is a measure which provides, in substance, general support to church-related schools. I believe it contravenes the first amendment to the Constitution as it has been interpreted by the Supreme Court in case after case since 1947.

Mr. MORSE. Mr. President, I yield as much time as he may require to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I intend to vote for the bill, but I shall do so with some reservations. I shall vote for it because I think the good in the bill greatly outweighs the bad. The advantages in the bill greatly outweigh the disadvantages.

I am much disturbed about an amendment which was adopted last week, the so-called second Ervin amendment, which has just been alluded to by the distinguished Senator from Kentucky [Mr. COOPER]. I take an exactly opposite view of that amendment. The amendment was represented as being an amendment to give to the taxpayer the right to challenge the constitutionality of the bill. I find no fault with that, and I said so on the floor of the Senate when the amendment was being debated. But there is a sleeper in the amendment. I should like to caution the conferees to give it a good, hard, long look.

The amendment provides, in part:

Upon the bringing of such civil action, the Commissioner shall refrain from consummating the proposed grant or loan and withhold the amount of the proposed grant or loan until the final determination of the civil action.

I do not think the Senate gave sufficient thought to realizing exactly what it was doing in this respect. The meaning of the amendment is that any taxpayer who is dissatisfied for any reason, whether it be one of substance or one that is frivolous, may bring suit; and upon the bringing of the suit, the court cannot decide whether the suit is frivolous or not, either upon ex parte action or upon the bringing in of testimony before the court; but must decide it merely upon the bringing of the suit; and the Commissioner shall refrain from consummating the loan or grant until such time as the final determination has been made.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. JAVITS. I wish to express agreement with the Senator from Rhode Island and to tell him that I did not vote for the amendment, because of my enormous respect for the courts and the law. The Senator is right in presenting this question for precisely that reason.

In my opinion, the amendment would deprive the court of its basic function to issue injunctive relief, not only if the suit was not frivolous, but also if the court did not believe there would be any damage that required the whole proceeding to be stayed.

Mr. PASTORE. There are many people in my State who believe that Brown University, of which I am proud to be a trustee, is a religious-affiliated institution. I do not believe it is, in the sense that has been spoken of on the floor of the Senate; but if there is in Rhode Island a taxpayer who merely thinks it is, he can come to the District of Columbia and seek a writ for a declaratory judgment. The minute he secures it, he ties the hands of the Government. I say that is wrong.

It is regrettable that Senators did not heed the admonition of the majority leader last Tuesday, when he said, in effect, "Will you please remain on the floor of the Senate to listen to the debate on this amendment, because we shall be voting on it within a matter of minutes?" What the Senate did by rejecting the first amendment offered by the senior Senator from North Carolina [Mr. Ervin] was to repudiate, with 55 votes, an amendment which would have denied any aid to an institution which was supposed to be religiously affiliated. That amendment was substantially defeated by the Senate.

But the Senate did not reject the second amendment, and what it did by adopting the second amendment was to put the bill to death. The Senate said it would give to the taxpayer—and I agree to that proposal—the right to challenge constitutionality, but would leave it to the court to determine whether the money should be held up for reasons to be given to the court. But we are not doing that. We are saying that the minute the taxpayer brings his action, we will leave it to one individual to say that thousands of young men and women, who possibly would be educated under the financing bill, could not have facilities until the taxpayer was satisfied that a final determination had been made. In any proposed legislation we have passed, we never have gone quite this far.

I repeat that I hope the conferees will take a good, long, hard look at this amendment, and will reserve, if they wish to, the right of the taxpayer to bring suit, but will not allow him to hold up the grants or the loans merely by his bringing the suit but will leave that judgment within the equity jurisdiction of the court. Any other arrangement would be self-defeating. If that provision were retained in conference, as the Senator from Kentucky has urged, it would be catastrophic.

Mr. President, I repeat that I shall vote for the bill; but when I vote for it, I shall have on my lips a fervent prayer that the conference will reject that part of the amendment which in my opinion is offensive.

Mr. JAVITS. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER (Mr. McIntyre in the chair). Does the Senator from Oregon yield to the Senator from New York?

Mr. MORSE. I yield to the Senator from New York such time as he may need.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I wish to speak in support of the position taken by the Senator from Rhode Island. I also wish to speak of the constitutional argument made by the Senator from Kentucky. Let me say that I am one of his greatest "fans."

First, Mr. President, let me say that I have voted against adoption of the amendment, although that does not mean that I will not do everything that I can, as one of the conferees, if I am appointed one of them, to preserve the part of the amendment which I think should be preserved in the conference, for that is the will of the Senate. But I think the amendment would give an unprecedentedly great power—and I use advisedly the word "power"—to the individual litigant, for by means of the amendment we have opened the door, as the Senator has argued. As I recall, he said, "Let us not shut the door of the court on the right to sue."

However, by opening the doors to the courts, I think we have shut the doors to the Treasury, and therefore have tended to defeat our purpose in connection with this measure. I am familiar with court cases that have dragged along 4, 5, 6, or 7 years, and in connection with this measure, we are racing against time.

I shall support the bill, because I think it is our duty to provide for the 7 million college students who are expected to be enrolled in our colleges and universities by 1970, as compared with the 3,600,000 enrolled in them today. I believe this is both our duty and our choice, because I believe that if we do not provide for the 94-percent increase in this decade, we shall leave our Nation defenseless in an area in which must be very vigorously strengthened; namely, in the area of science, technology, the education of its people and the capability of its industry and technology not only to keep abreast of the rest of the world, but also, if possible, to lead it.

Mr. President, so much for the amendment. I am very hopeful that we shall be able to find a way to retain its fundamental idea, so that this question may be tested, but without running into the difficulty of nullifying the entire act as a result of the unprecedented power which would be given the individual litigant.

Mr. President, as for the constitutional argument, it is very interesting to me to find that men of very enlightened minds, who know that the law matures

and develops, and who have seen the Brown against Board of Education decision of 1954 succeed the separate-but-equal doctrine which came out in the last century, take the position that our courts will stand still in this area. As a matter of fact, the constitutional question was very carefully considered in the committee. The distinguished Senator who is in charge of the bill, and who is chairman of the subcommittee, is one of the most distinguished lawyers in the Senate. Others of us who serve on the subcommittee had very deep concern about our doing anything which we feel would not be in accord with the Constitution, because it is the traditional and historic duty of Congress to pass only the laws which it believes to be constitutional. I and other Senators have voted against bills which we liked very much, but which we did not think were constitutional. We did so because we believed that to be part of our responsibility.

However, Mr. President, instead of believing, as a lawyer, that this bill is unconstitutional, I have the very deep conviction that by means of this bill we are proceeding along the line of the logical extension of decisions already made by the Supreme Court. I do not believe the Court will take the narrow view that in order to be consistent with its philosophy and theory, we have no right to consider the needs and requirements of all students, both those who attend church-managed or church-supported colleges and those who attend public colleges or universities. I do not believe the courts will take the narrow view that the benefit must flow directly to the student, and may not flow to the student through the institution itself, provided we have taken the necessary precautions to make sure that in that process the purpose is not abused or distorted or that the law does not indirectly sustain the religious aspects of the institution concerned.

In short, Mr. President, I believe that the court would say, "The ultimates must be considered. Congress has taken action to benefit the students. If, in order to do that, Congress finds it more efficient to have the benefits it provides for the students go through the institution he attends, and if Congress has taken the necessary safeguards in order to be sure that channel is kept clear, we will go along with that measure." I believe that is what the court would rule.

I think we have taken another precaution—and this is why I very strongly support the bill, incorporating the categorical grant and loan proposal, because we have already given our strong support to education which is completely secular in character and which is essential in terms of the national security and the national defense. We have already done that most successfully, and now we are continuing in that tradition, by making an extension to the construction of the necessary facilities in order to give further support to the same principle.

Therefore, Mr. President, I believe that we are proceeding on constitutional

grounds, for, first, we are proceeding in a way to benefit the students; and I believe that although we shall do so through the institutions concerned, the courts would go along with that procedure by allowing us to provide the means which will be of benefit to the students.

Second, I believe we have given an added sanction, in terms of the idea of categorical grants and loans, by taking the steps we should take in pursuance of our duty to safeguard the Constitution.

Therefore, Mr. President, I believe the bill meets the existing need in a way which cannot be achieved through any other means, and I believe it does so in a constitutional way. Furthermore, I believe the conferees will do their utmost to make sure that the citizens do have a right to test the constitutionality and the legality of the law, but without frustrating the entire congressional purpose in passing the bill.

Finally, Mr. President, inasmuch as I have demonstrated here on the floor my very great concern with the question of providing fuller and more equal opportunity, without regard to color, as regards those who might apply for admission to educational institutions, I should like to speak briefly on that point in connection with this bill. It is a fact that there are completely segregated institutions of higher learning in a number of the Southern States, as the U.S. Civil Rights Commission has documented as recently as August 1, 1963. I ask unanimous consent to have this information printed at this point in the RECORD.

There being no objection, the memorandum, followed by an addendum list, was ordered to be printed in the RECORD, as follows:

SEGREGATED-DESEGREGATED STATUS OF INSTITUTIONS OF HIGHER LEARNING IN THE SOUTHERN UNITED STATES

(U.S. Commission on Civil Rights, August 1, 1963)

Colleges and universities listed as segregated restrict their enrollments, either by policy or statute, to students of only one race. Institutions listed as desegregated have been attended by students of more than one race, although the composition of the student body at the present time may or may not be biracial. Schools which have adopted policies of nondiscrimination in admissions, but which have not yet been attended by students of more than one race are noted separately.

Institutions have been accredited by the appropriate regional association unless noted (*) to indicate provisional or probationary status. Institutions offering less than a 4-year curriculum are designated (JR.). Enrollment figures given for public institutions are those of September 1962. (Source: Southern Education Reporting Service, statistical summary, November 1962). Enrollment figures given for private institutions are those of September 1961. (Source: 1962-63 Education Directory, pt. 3, Office of Education, U.S. Department of Health, Education, and Welfare.)

ALABAMA

I. Segregated—Public

A. All White

Alabama College, Montealto, 1,925.
Auburn University, Auburn, 14,519.
Florence State College, Florence, 3,109.
Jacksonville State College, Jacksonville, 3,906.

Livingston State College, Livingston, 1,215.
Troy State College, Troy, 3,298.

B. All Negro

Alabama State College, Montgomery, 3,300.
(*)

II. Segregated—Private

A. All White

Athens College, Athens, 573 (*) (Southern Methodist).
Birmingham-Southern College, Birmingham, 1,108 (Southern Methodist).
Howard College, Birmingham, 2,188 (Southern Baptist).
Huntington College, Montgomery, 798 (Methodist).
Judson College, Marion, 329 (Southern Baptist).
Marion Institute (Jr.), Marion, 321 (Private corporation).
Sacred Heart College, Cullman, 172 (Roman Catholic).
St. Bernard College, St. Bernard, 577 (Roman Catholic).
Snead Junior College (Jr.), Boaz, 505 (Southern Methodist).
Southeastern Bible College, Birmingham, no accreditation (private corporation).
Southern Union College, Wadley, no accreditation (Jr.) (Congregational Christian).
Walker College, Jasper, 350 (private corporation).

B. All Negro

Miles College, Birmingham, 835 (Christian Methodist Episcopal Church (CME)).
Oakwood College, Huntsville, 313 (Seventh Day Adventist Church).
Stillman College, Tuscaloosa, 495 (Presbyterian).
Tuskegee Institute, Tuskegee, 2,365 (private corporation).

III. Desegregated—Public

A. Predominantly White

University of Alabama, Tuscaloosa, 27,048 (includes extension centers at Birmingham, Gadsden, Mobile, Montgomery, Dothan, Selman, and Huntsville (integrated, June 1963)).

B. Predominantly Negro

Alabama Agricultural and Mechanical College, normal, 1,981 (*).

IV. Desegregated—Private

A. Predominantly White

Spring Hill College, Spring Hill, 1338 (Roman Catholic).

B. Predominantly Negro

Talladega College, Talladega, 412 (Congregational Christian).

ARKANSAS

I. Segregated—Public

In policy all the public colleges and universities in Arkansas are desegregated. The University of Arkansas desegregated voluntarily in 1948. The seven other colleges adopted desegregation in principle in 1955 on the advice of the State attorney-general.

II. Segregated—Private

A. All White

Harding College, Searcy, 1,280 (Church of Christ).
Hendrix College, Conway, 610 (Methodist).
John Brown University, Siloam Springs, 325 (private corporation).
Little Rock University, Little Rock, 1,466 (private corporation).
Quachita Baptist College, Arkadelphia, 1,230 (Southern Baptist). (Two African graduate students were admitted in January 1962. The school has adopted a policy of admitting all qualified students from the foreign mission field if they are recommended by two Southern Baptist foreign missionaries.)
Southern Baptist College (JR.), Walnut Ridge, 198 (Southern Baptist).

B. All Negro

Shorter College (JR.), North Little Rock, 151 (African Methodist Episcopal Church).

III. Desegregated—Public

A. Predominantly White

Arkansas Agricultural and Mechanical College, College Heights, 1,109.
Arkansas Polytechnic College, Russellville, 1,646.
Arkansas State College, State College, 3,443.
Arkansas State Teachers College, Conway, 2,276.
Henderson State Teachers College, Arkadelphia, 1,741.
Southern State College, Magnolia, 1,435.
University of Arkansas, Fayetteville, 6,867. (As a general rule the university accepts qualified Negro students for graduate or undergraduate work not otherwise available to Negro students in the State.)

B. Predominantly Negro

Arkansas Agricultural, Mechanical and Normal, Pine Bluff, 2,288. (Policy only; no white student ever enrolled.)

IV. Desegregated—Private

A. Predominantly White

Arkansas College, Batesville, 232 (Presbyterian).
College of the Ozarks, Clarksville, 434 (Presbyterian).

B. Predominantly Negro

Philander Smith College, Little Rock, 619 (Methodist). (Policy only; no white student ever enrolled.)

FLORIDA

I. Segregated—Public

Negroes have been admitted to the formerly all-white State 4-year schools in Florida, and segregation remains widespread at the junior college level. The 29 junior colleges are operated under the various county school boards. Theoretically their pupils are subject to the State pupil placement law. However, in fact, there are usually two junior colleges operated by the same board—Negroes being assigned to one and whites the other. About 800 Negroes have attended classes with whites at Dade County Junior College, and several other junior colleges (see below) each have a few Negro pupils.

II. Segregated—Private

A. All White

Embry-Riddle Aeronautical Institute, Miami, 333 (private corporation).
Florida Christian College, Tampa, 268 (junior) (private corporation).
Florida Southern College, Lakeland, 2,448 (Methodist).
Jacksonville University, Jacksonville, 1,733 (4-year school but has junior accreditation) (private corporation).
Rollins College, Winter Park, 1,585 (private corporation).
University of Tampa, Tampa, 2,614 (private corporation).

B. All Negro

Bethune-Cookman College, Daytona Beach, 680 (private).
Edward Waters College, Jacksonville, 736 (African Methodist Episcopal Church).
Florida Normal and Industrial Memorial College, St. Augustine, 328 (private corporation).

III. Desegregated—Public

A. Predominantly White

University of Florida, Gainesville, 14,289.
University of South Florida, Tampa, 3,618.
Florida State University, Tallahassee, 10,621.
Dade County Junior College, Miami.
Palm Beach County Junior College, St. Petersburg.
Daytona Beach Junior College, Daytona Beach.

Manatee Junior College, Bradenton.
Broward Junior College.

B. Predominantly Negro

Florida A. & M., Tallahassee, 2,867 (policy only).

IV. Desegregated—Private

A. Predominantly White

Barry College, Miami, 799 (Roman Catholic).

Stetson University, Deland, 2,111 (Southern Baptist).

University of Miami, Coral Gables, 12,988 (private corporation).

GEORGIA

I. Segregated—Public

A. All White

Abraham Baldwin Agricultural College, Tifton, 808.

Augusta College, Augusta (Jr.), 1,059.

Columbus Junior College, Columbus, 763.

Georgia Military College (Jr.), Milledgeville, 245 (city controlled).

Georgia Southern College, Statesboro, 2,124.

Georgia Southwestern College (Jr.), Americus, 610.

Gordon Military College (Jr.), 290 (city controlled).

The Women's College of Georgia, Milledgeville, 937.

Medical College of Georgia, Augusta, 367.

Middle Georgia College (Jr.), Cochran, 660.

North Georgia College, Dahlonega, 886.

South Georgia Junior College, Douglas, 688.

Southern Technical Institute, Chamblee (branch of Georgia Tech.), 977.

Valdosta State College, Valdosta, 1,013.

B. All Negro

Albany State College, Albany, 987.

Fort Valley State College, Fort Valley, 1,035.

Savannah State College, Savannah, 1,160.

II. Segregated—Private

A. All White

Andrew Junior College, Outhbert, 244 (Methodist).

Berry College, Mount Berry, 735 (private corporation).

Brenau College, Gainesville, 458 (private corporation).

Emmanuel College, Franklin Springs, 211 (Pentecostal Holiness).

La Grange College, La Grange, 436 (Methodist).

Norman College (Jr.), Norman Park, 338 (Southern Baptist).

Piedmont College, Demorest, nonaccredited, 292 (private corporation).

Reinhardt College (Jr.) Waleska, 285 (Methodist).

Shorter College, Rome, 586 (Southern Baptist).

Tift College, Forsyth, 562 (Baptist).

Toccoa Falls Institute, Inc., Toccoa Falls, 179 (private corporation).

Wesleyan College, Macon, 510 (Methodist).

Young Harris College (Jr.), Young Harris, 599 (Methodist).

B. All Negro

Clark College, Atlanta, 799 (Methodist).

Morris Brown College, Atlanta, 902 (African Methodist Episcopal Church).

Paine College, Augusta, 426 (Methodist and Christian Methodist Episcopal Church).

III. Desegregated—Public

A. Predominantly White

Georgia Institute of Technology, Atlanta, 5,976.

University of Georgia, Athens, 10,039.

Georgia State College of Business Administration, Atlanta, 3,872.

Armstrong College of Savannah (Jr.), Savannah, 800.

West Georgia College, Carrollton, 1,159 (4-year school, but accredited as junior college).

IV. Desegregated—Private

A. Predominantly White

Agnes Scott College, Decatur, 647 (private corporation).

Columbia Theological Seminary, Decatur, 226 (Presbyterian).

Emory University, Atlanta, 4,664 (Methodist).

Oglethorpe University, Atlanta, 418 (private corporation).

Mercer University, Atlanta, 1,397 (Southern Baptist) (has voted to admit Negroes beginning in September 1963).

B. Predominantly Negro

Atlanta University System, Atlanta:
Atlanta University, 614 (private corporation).

Morehouse College, 796 (private corporation).

Spelman College, 558 (Baptist).

LOUISIANA

I. Segregated—Public

A. All White

Francis T. Nicholls State College, Thibodaux, 1,236.

Louisiana Polytechnic Institute, Ruston, 3,877.

Northeast Louisiana State College, 3,315.

Northwestern State College of Louisiana, Natchitoches, 3,459.

B. All Negro

Grambling College, Grambling, 3,050.

Southern University and A. & M. College, Baton Rouge, 4,795.

Southern University, New Orleans branch, 1,059.

II. Segregated—Private

A. All White

Centenary College, Shreveport, 1,553 (Methodist).

Louisiana College, Pineville, 1,079 (Southern Baptist).

B. All Negro

Dillard University, New Orleans, 882 (private corporation).

Leland College, Baker, nonaccredited (Baptist).

Xavier University, New Orleans, 809 (Roman Catholic).

III. Segregated—Private

A. Predominantly White

Louisiana State University, Baton Rouge, 12,275 (graduate level only).

Louisiana State University, New Orleans branch, 3,480.

Louisiana State University, Chambers branch, 402.

McNeese State College, Lake Charles, 2,991.

Southeastern Louisiana College, Hammond, 2,983.

University of Southwestern Louisiana, Lafayette, 4,739.

IV. Desegregated—Private

A. Predominantly White

Immaculata Minor Seminary, Lafayette (Roman Catholic).

Loyola University, New Orleans, 2,732 (Roman Catholic).

New Orleans Baptist Theological Seminary, New Orleans, 750 (Southern Baptist).

Notre Dame Seminary, New Orleans (Jr.), 141 (Roman Catholic).

Tulane University, New Orleans, 6,993 (private corporation).

MISSISSIPPI

I. Segregated—Public

A. All White

Senior colleges

Delta State College, Cleveland, 1,318.

University of Southern Mississippi, Hattiesburg, 4,942.

Mississippi State College for Women, Columbus, 2,142.

Mississippi State University, State College, 5,131.

Junior colleges (controlled by county-State combination)

Copiah-Lincoln Junior College, Wesson, 504.

East Central Junior College, Decatur, 554.

Hinds Junior College, Raymond, 1,113.

Holmes Junior College, Goodman, 483.

Itawamba Junior College, Fulton, 628.

Jones County Junior College, Ellisville, 1,331.

Meridian Municipal Junior College, Meridian, 1,140.

Northeast Mississippi Junior College, Booneville, 659.

Northwest Mississippi Junior College, Senatobia, 718.

Pearl River Junior College, Poplarville, 649.

Perkinston Junior College, Perkinston, 1,032.

Southwest Mississippi Junior College, Summit, 356.

Sunflower (Mississippi Delta) Junior College, Moorhead, 356.

B. All Negro

Senior colleges

Alcorn A. & M. College, Lorman, 1,429.

Jackson State College, Jackson, 1,711.

Mississippi Vocational College, Itta Bena, 1,235.

Junior colleges

T. J. Harris Junior College, Meridian, 176.

Coahoma Junior College, Clarksdale, 427.

Utica Junior College, Utica, 452.

II. Segregated—Private

A. All White

All Saints' Junior College, Vicksburg (NA) (Protestant Episcopal Church).

Belhaven College, Jackson, 260 (Presbyterian).

Blue Mountain College, Blue Mountain, 307 (Southern Baptist).

Gulf Park Junior College, Gulfport, 165 (private corporation).

Millsaps College, Jackson, 904 (Methodist).

Mississippi College, Clinton, 1,691 (Southern Baptist).

Our Lady of the Snows Scholasticate, Pine Hill (NA) (Roman Catholic).

Southeastern Baptist Junior College, Laurel (NA) (Baptist).

William Carey College, Hattiesburg, 505 (Southern Baptist).

Wood Junior College, Mathiston, 132 (Methodist).

B. All Negro

J. P. Campbell Junior College, Jackson (NA) (African Methodist Episcopal Church).

Mary Holmes Junior College, West Point, 182 (NA) (Presbyterian).

Mississippi Industrial College, Holly Springs, 521 (NA) (Christian Methodist Episcopal Church).

Okolona Junior College, Okolona, 237 (NA) (Protestant Episcopal).

Piney Woods Country Life School, Piney Woods, 128 (NA) (private corporation).

Prentiss Normal and Industrial Institute, Prentiss (NA) (private corporation).

Rust College, Holly Springs, 557 (NA) (Methodist).

III. Desegregated—Public

A. Predominantly White

University of Mississippi, Oxford, 5,319.

IV. Desegregated—Private

B. Predominantly Negro

Tougaloo Southern Christian College, Tougaloo, 496 (American Missionary Association).

NORTH CAROLINA

I. Segregated—Public

A. All White

All public colleges in North Carolina which formerly excluded Negroes are now desegregated. The extent to which Negroes have been enrolled is noted below (see Desegregated—Public) where necessary.

B. All Negro

Elizabeth City State Teachers College, Elizabeth City, 823.
 Fayetteville State Teachers College, Fayetteville, 943.
 Mecklenburg Junior College (formerly Carver), Charlotte (city-controlled, non-accredited).
 North Carolina College at Durham, Durham, 2,359.
 Winston-Salem Teachers College, Winston-Salem, 1,078.

II. Segregated—Private

A. All White

Atlantic Christian College, Wilson, 1,198 (Disciples of Christ Church).
 Brevard College, Brevard, 389 (Methodist).
 Campbell Junior College, Bales Creek, 1,246 (Southern Baptist).
 Chowan Junior College, Murfreesboro, 701 (Baptist).
 Elon College, Elon, 1,199 (Congregational Christian).
 Lees-McRae Junior College, Banner Elk, 378 (Presbyterian).
 Lenior Rhyne College, Hickory, 990 (Lutheran).
 Louisburg Junior College, Louisburg, 551 (Methodist).
 Mitchell Junior College, Statesville, 360 (private corporation).
 Montreat Anderson Junior College, Montreat, 234 (Presbyterian).
 Mount Olive Junior College, Mount Olive, 153 (Free Will Baptist).
 Peace College, Raleigh, 260 (Presbyterian).
 St. Mary's Junior College, Raleigh, 276 (Protestant Episcopal).
 Salem College, Winston-Salem, 496 (Moravian).
 Wingate Junior College, Wingate, 904 (Southern Baptist).

B. All Negro

Barber-Scotia College, Concord, 279 (*) (Presbyterian).
 Johnson C. Smith University, Charlotte, 916 (Presbyterian).
 Livingston College, Salisbury, 641 (African Methodist Episcopal Zion Church).
 St. Augustine's College, Raleigh, 642 (Protestant Episcopal).
 Shaw University, Raleigh, 563 (Baptist).

III. Desegregated—Public

A. Predominantly White

Appalachian State Teachers College, Boone, 2,897.
 Asheville-Biltmore Junior College, Asheville, 442.
 East Carolina College, Greenville, 5,263 (Negroes enrolled in summer school only).
 Charlotte Junior College, Charlotte, 881.
 Pembroke State College, Pembroke, 570.
 University of North Carolina at Chapel Hill, Chapel Hill, 9,076.
 University of North Carolina at Greensboro (Woman's College), Greensboro, 3,110.
 University of North Carolina at Raleigh (N.C. State), Raleigh, 7,081.
 Western Carolina College, Cullowhee, 1,824 (Negroes enrolled in summer school only).
 Wilmington Junior College, Wilmington, 673 (has all-Negro branch at Williston; main campus is desegregated).

B. Predominantly Negro

Agricultural and Technical College of North Carolina, Greensboro, 2,553 (desegregated during summer session).

IV. Desegregated—Private

A. Predominantly White

Belmont-Abbey College, Belmont, 545 (Roman Catholic).
 Catawba College, Salisbury, 901 (Evangelical Reformed).
 Davidson College, Davidson, 976 (Presbyterian).
 Duke University, Durham, 6,122 (Methodist) (to admit Negro undergraduates, Sep-

tember 1963; previous desegregation on graduate and professional level).

Gardner-Webb Junior College, Boiling Springs, 590 (Southern Baptist).
 Guilford College, Guilford, 1,380 (Friends).
 High Point College, High Point, 1,271 (Methodist).

Mars Hill Junior College, Mars Hill, 971 (Southern Baptist).

Meredith College, Raleigh, 774 (Presbyterian).

Queens College, Charlotte, 734 (announced nondiscriminatory admissions policy; no Negroes yet admitted).

Pfeiffer College, Misenheimer, 884 (Methodist).

Sacred Heart Junior College, Belmont, 188 (Roman Catholic).

Southeastern Baptist Theological Seminary, Wake Forest, 658 (Southern Baptist).

St. Andrews College, Laurinburg, 853 (Presbyterian).

Wake Forest College, Winston-Salem, 2,869 (Southern Baptist).

Warren Wilson Junior College, Swannanoa, 262 (Presbyterian).

College of the Albemarle, Elizabeth City, 183 (private corporation).

Greensboro College, Greensboro, 572 (Methodist).

B. Predominantly Negro

Bennett College, Greensboro, 592 (Methodist).

SOUTH CAROLINA

I. Segregated—Public

A. All White

The Citadel (Military College of South Carolina), Charleston, 1,989.
 Medical College of South Carolina, Charleston, 648.
 University of South Carolina, Columbia, 7,295 (scheduled to admit Negro coed in September 1963).
 Winthrop College, Rock Hill, 2,110.

B. All Negro

South Carolina State College, Orangeburg, 2,169.

II. Segregated—Private

A. All white

Anderson College, Anderson, 556 (Southern Baptist).
 Bob Jones University, Greenville, 2,469, nonaccredited (private corporation).
 Central Wesleyan College, Central (JR.), 182 (Methodist).
 Coker College, Hartsville, 352 (private corporation).

College of Charleston, Charleston, 421 (private corporation).

Columbia College, Columbia, 906 (Methodist).

Converse College, Spartanburg, 621 (private corporation).

Erskine College, Due West, 659 (Reformed Presbyterian).

Furman University, Greenville, 1,536 (Southern Baptist).

Lander College, Greenwood, 428 (private corporation).

Limestone College, Gaffney, 458 (private corporation).

Lutheran Theological Southern Seminary, Columbia, 106 (Lutheran).

Newberry College, Newberry, 711 (Lutheran).

North Greenville Junior College, Taylors, 499 (Southern Baptist).

Palmer Junior College, Charleston, 425 (private corporation).

Presbyterian College, Clinton, 540 (Presbyterian).

Spartanburg Junior College, Spartanburg, 444 (Methodist).

Wofford College, Spartanburg, 780 (Methodist).

B. All Negro

Allen University, Columbia, 616 (*) (African Methodist Episcopal).

Benedict College, Columbia, 802 (*) (Baptist).

Claffin College, Orangeburg, 447 (Methodist).

Friendship Junior College, Rock Hill, non-accredited (Baptist).

Morris College, Sumter, 405, nonaccredited (Baptist).

Vorhees School and Junior College, Denmark, 151 (Protestant Episcopal).

III. Desegregated—Public

A. Predominantly White

Clemson Agricultural College, Clemson, 4,253.

IV. Desegregated—Private

A. Predominantly White

Our Lady of Mercy Junior College, Charleston (Roman Catholic).

TENNESSEE

I. Segregated—Public

All Tennessee public colleges and universities now operate on a desegregated basis.

II. Segregated—Private

A. All White

Belmont College, Nashville, 535 (Baptist).
 Carson-Newman College, Jefferson City, 1,354 (Southern Baptist).
 Cumberland University (JR.), Lebanon, 162 (private corporation).

David Lipscomb College, Nashville, 1,418 (Church of Christ).

Free Will Baptist Bible College, Nashville, 259 (Free Will Baptist).

Free-Hardman College, Henderson, 563 (private corporation).

Hiwassee Junior College, Madisonville, 384 (Methodist).

King College, Bristol, 284 (Presbyterian).

Lambuth College, Jackson, 610 (Methodist).

Lee College (JR.), Cleveland, 317 (Church of Christ).

Lincoln Memorial University, Harrogate, 451 (private corporation).

Martin College (JR.), Pulaski, 240 (Methodist).

Milligan College, Milligan, 540 (non-accredited) (private corporation).

Owen College (JR.), Memphis, 320 (Southern Baptist).

Southern College of Optometry, Memphis, 211 (private corporation).

Southern Missionary College, Collegedale, 744 (Seventh Day Adventist).

Southwestern at Memphis, Memphis, 838 (Presbyterian).

Tennessee Wesleyan College, Athens, 629 (Methodist).

Trevecca Nazarene College, Nashville, 476 (Nazarene).

Union University, Jackson, 786 (Southern Baptist).

William Jennings Bryan College, Dayton, 210 (nonaccredited) (private corporation).

B. All Negro

Knoxville College, Knoxville, 675 (Presbyterian).

Lane College, Jackson, 501 (Christian Methodist Episcopal Church).

Le Moyne College, Memphis, 555 (American Missionary Association).

Morristown College, Morristown, 160 (Methodist).

III. Desegregated—Public

A. Predominantly White

Austin Peay State College, Clarksville, 3,018.

East Tennessee State College, Johnson City, 5,485.

Memphis State University, Memphis, 7,542.

Middle Tennessee State College, Murfreesboro, 3,740.

Tennessee Polytechnic Institute, Cookeville, 3,347. (Desegregated in policy; no Negroes enrolled.)

University of Tennessee, all branches desegregated; Knoxville (main campus).

11,138; Martin, 1,361; Memphis, 1,478; Nashville, 1,220.

B. Predominantly Negro

Tennessee Agricultural and Industrial State University, Nashville, 4,136.

IV. Desegregated—Private

A. Predominantly White

Sienna College, Memphis, 335 (private corporation).

Bethel College, McKenzie, 528 (Presbyterian).

Christian Brothers College, Memphis, 793 (Roman Catholic).

George Peabody College for Teachers, Nashville, 1743 (scheduled to admit Negro undergraduates in September 1963; previous desegregation on graduate level only) (private corporation).

Maryville College, Maryville, 732 (Presbyterian).

Scarritt College for Christian Workers, Nashville, 156 (Methodist).

University of the South, Sewanee, 730 (Protestant Episcopal).

Tusculum College, Greenville, 473 (private corporation).

Vanderbilt University, Nashville, 3,826 (has announced open admissions policy, beginning in September 1963; previous desegregation limited to Negroes who could not obtain comparable courses elsewhere in Nashville) (private corporation).

Madison College, Madison, 493 (non-accredited) (private corporation).

B. Predominantly Negro

Fisk University, Nashville, 907 (private corporation).

Meharry Medical School, Nashville, 370 (private corporation).

TEXAS

I. Segregated—Public

A. All White

Alvin Junior College, Alvin, 759.

Blinn Junior College, Brenham, 631.

Henderson County Junior College, Athens, 524.

Panola County Junior College, Carthage, 355.

Ranger Junior College, Ranger, 193.

Sam Houston State College, Huntsville, 5,270.¹

Stephen F. Austin State College, Nacogdoches, 2,740.¹

Sul Ross State College, Alpine, 1,199.¹

Tarleton State College, Stephenville, 1,154.²

Tyler Junior College, Tyler, 1,760.

B. All Negro

Prairie View A. & M. College, Prairie View, 3,282 (under same board which desegregated Texas A. & M.).

Tyler District Junior College, Tyler, 200.

II. Segregated—Private

A. All White

Baylor University, Waco, 5,709 (Southern Baptist).

Mary Hardin-Baylor College, Belton, 737 (Southern Baptist).

Rice University, Houston, 1,963 (private corporation).

University of Houston, Houston, 12,187 (private corporation).

B. All Negro

Bishop College, Marshall, 615 (Baptist).

Butler College, Tyler, nonaccredited (Baptist).

Huston-Tillotson College, Austin, 476 (private corporation).

¹ These schools are controlled by the same board as West Texas State which was desegregated by court order in 1960 (see below).

² This school is controlled by the same board which voluntarily desegregated Arlington State College in 1962 and Texas A. & M. in 1963.

Jarvis Christian College, Hawkins, 369 (*) (Disciples of Christ).

Paul Quinn College, Waco, 296 (non-accredited) (African Methodist Episcopal Church).

Texas College, Tyler, 376 (*) (Christian Methodist Episcopal Church).

Wiley College, Marshall, 527 (Methodist).

III. Desegregated—Public

A. Predominantly White

Senior colleges

Arlington State College, Arlington, 9,136.

East Texas State College, Commerce, 3,844.

Lamar State College of Technology, Beaumont, 7,250.

Midwestern University, Wichita Falls, 2,396.

Pan-American College, Edinburg, 2,123.

Texas A. & M. College, College Station, 8,126.

Texas College of Arts and Industries, Kingsville, 3,545.

Texas Technological College, Lubbock, 11,196.

Texas Western College (of University of Texas), El Paso, 5,499.

Texas Woman's University, Denton, 2,997.

Houston University, Houston, 13,866 (municipal control).

University of Texas, Austin, 21,590.

West Texas State College, Canyon, 3,760.

Southwest Texas State College, San Marcos, 3,463.

Junior colleges

Amarillo Junior College, Amarillo, 1,873.

Cisco Junior College, Cisco, 346.

Clarendon Junior College, Clarendon, 176 (*)

Cooke County Junior College, Gainesville, 623.

Del Mar Junior College, Corpus Christi, 2,539.

Frank Phillips Junior College, Borger, 598.

Hill Junior College, Hillsboro, 170.

Howard Junior College, Big Springs, 798.

Kilgore Junior College, Kilgore, 1,534.

Laredo Junior College, Laredo, 879.

Lee Junior College, Baytown, 1,110.

Navarro Junior College, Corsicana, 811.

Odessa Junior College, Odessa, 1,730.

Paris Junior College, Paris, 548.

San Angelo Junior College, San Angelo, 1,058.

San Antonio Junior College, San Antonio, 7,559.

San Jacinto Junior College, San Jacinto, 1,360.

South Plains Junior College, Levelland, 616 (*)

Southwest Texas Junior College, Uvalde, 557.

Temple Junior College, Temple, 698.

Texarkana Junior College, Texarkana, 1,342.

Texas Southmost Junior College, Brownsville, 674.

Victoria Junior College, Victoria, 1,006.

Weatherford Junior College, Weatherford, 355.

Wharton County Junior College, Wharton, 1,272.

B. Predominantly Negro

Texas Southern State College, Houston, 3,841.

St. Phillips Junior College, San Antonio, 638.

IV. Desegregated—Private

A. Predominantly White

Abilene Christian College, Abilene, 2,625 (private corporation).

Austin Presbyterian Theological Seminary, Austin, 141 (Presbyterian).

Austin College, Austin, 920 (Presbyterian).

Dallas Theological Seminary, Dallas, 316 (private corporation).

DeMazenod Scholasticate, San Antonio, 54 (Roman Catholic).

Episcopal Theological Seminary of the Southwest, Austin, 65 (Protestant Episcopal).

Hardin-Simmons University, Abilene, 1,726 (Southern Baptist).

Incarinate Word College, San Antonio, 1,059 (Roman Catholic).

Lutheran Concordia Junior College, Austin, 137 (Lutheran).

McMurry College, Abilene, 1,438 (Methodist).

Our Lady of the Lake College, San Antonio, 923 (Roman Catholic).

Southern Methodist University, Dallas, 7,238 (Methodist, desegregated on the graduate level only).

Texas Christian University, Fort Worth, 6,309 (Disciples of Christ).

University of Dallas, Dallas, 660 (Roman Catholic).

Wayland Baptist College, Plainview, 582 (Southern Baptist).

St. Edwards College, Austin, 523 (Roman Catholic).

St. Mary's College of San Antonio, San Antonio, 2,266 (Roman Catholic).

Southwestern Baptist Theological Seminary, Fort Worth, 1,704 (Southern Baptist).

Texas Lutheran College, Sequin, 690 (Lutheran).

Trinity University, San Antonio, 1,729 (Presbyterian).

University of Corpus Christi, Corpus Christi, 503 (nonaccredited) (Southern Baptist).

VIRGINIA

I. Segregated—Public

A. All White

Old Dominion College, Norfolk, 4,200.

Longwood College, Farmville, 1,199.

Madison College, Harrisonburg, 1,835.

Mary Washington College of the University of Virginia, Fredericksburg, 1,750 (a Negro attended the 1962 summer session, but officials announced this would not change the policy for the winter session).

Virginia Military Institute, Lexington, 1,080.

Clinch Valley (JR.) College, Wise, 325.

Virginia Polytechnic Institute, Danville Branch (2-year college), 175.

George Mason College (JR.), Fairfax, 150.

Bland College (JR.), 270.

Christopher Newport College (JR.), 180.

Patrick Henry College (JR.), Martinsville, 100 (Negro attended for 1 day in fall 1962, but withdrew when the classes she wanted were full.)

Roanoke Technical College (JR.), Roanoke, 60.

B. All Negro

Virginia State College, Petersburg, 1,610.

Virginia State College, Norfolk, 3,700.

II. Segregated—Private

A. All White

Apprentice School, Newport News, 476 (nonaccredited) (private corporation).

Averett College (JR.), Danville, 332 (Southern Baptist).

Bluefield College (JR.), Bluefield, 335 (Southern Baptist).

Emory and Henry College, Emory, 769 (Methodist).

Ferrum (JR.) College, Ferrum 576 (nonaccredited) (Methodist).

Hampden-Sydney College, Hampden-Sydney, 470 (Presbyterian).

Hollins College, Roanoke, 696 (private corporation).

Lynchburg College, Lynchburg, 1,005 (Disciples of Christ).

Marion Jr. College, Marion, 175 (nonaccredited). (Lutheran).
 Marymount College (JR.), Arlington, 268 (Roman Catholic).
 Randolph-Macon College, Ashland, 674 (Methodist).
 Roanoke College, Salem, 922 (Lutheran).
 St. Paul's College, Lawrenceville, 395 (Protestant Episcopal).
 Shenandoah College, Dayton, 385 (Evangelical Baptist).
 Shenandoah Conservatory of Music, Dayton, 64. (Evangelical Baptist).
 Stratford College (JR.), Danville, 203 (nonaccredited) (private corporation).
 Sullins College (JR.), Bristol, 350 (private corporation).
 Sweet Briar College, Sweet Briar, 591 (private corporation).
 University of Richmond, Richmond, 3,888 (Baptist).
 Virginia Intermont College (JR.), Bristol, 486 (Southern Baptist).
 Washington and Lee University, Lexington, 1,186 (private corporation).

III. Desegregated—Public

A. Predominantly White

College of William and Mary, Williamsburg, 2,275 (graduate and professional level).
 Richmond Professional Institute of the College of William and Mary, Richmond, 5,144 (graduate level only).
 Medical College of Virginia, Richmond, 2,009.
 Virginia Polytechnic Institute, Blacksburg, 6,202.
 University of Virginia, Charlottesville, 5,263.
 Radford College of Virginia Polytechnic Institute, Radford, 1,800.

IV. Desegregated—Private

A. Predominantly White

Bridgewater College, Bridgewater, 640 (Brethren).
 Eastern Mennonite College, Harrisonburg, 533 (Mennonite).
 Union Theological Seminary, Richmond, 233 (Presbyterian).
 The following all-white schools have announced changes in their admissions policy which will allow Negroes to be enrolled, but no Negroes have yet attended the school:
 Mary Baldwin College, Staunton, 460 (Presbyterian).
 Randolph-Macon Woman's College, Lynchburg, 734 (Methodist).

B. Predominantly Negro

Hampton Institute, Hampton, 1,587 (private corporation).
 Virginia Union University, Richmond, 1,156 (Baptist).
 Virginia Theological Seminary and College, Lynchburg, 235 (nonaccredited) (Baptist).

DESEGREGATION OF PRIVATE NEGRO COLLEGES IN THE SOUTH

Attached is a list of private Negro colleges in the South, previously classified by the Commission as segregated, which we have since learned do not utilize racial criteria in their admissions policies. They should now be listed as "Desegregated—predominantly Negro."

These institutions participate in the activities of the United Negro College Fund, a service agency with 32 member schools. Tuskegee Institute is the only member college which still maintains a policy of racial restriction, and efforts are currently underway to amend the institution's charter to permit white students to enroll.

Although not all these schools have actively recruited white students, their open enrollment policies have been publicized since 1954 by the United Negro College Fund. Information is currently being assembled on the extent to which white students have actually been enrolled at these colleges.

More precise information is not yet available on enrollment policies of Negro schools which do not participate in the UNCF program.

PRIVATE NEGRO COLLEGES WITH OPEN ADMISSION POLICIES

(Previously classified as segregated by the Commission; now classified as "Desegregated—Predominantly Negro")

ALABAMA

Stillman College, Tuscaloosa, 495 (Presbyterian).

FLORIDA

Bethune-Cookman College, Daytona Beach, 680 (private corporation).

GEORGIA

Clark College, Atlanta, 799 (Methodist).
 Morris Brown College, Atlanta, 902 (African Methodist Episcopal Church).
 Paine College, Augusta, 426 (Methodist and Christian Methodist Episcopal Church).

LOUISIANA

Dillard University, New Orleans, 882 (private corporation).
 Xavier University, New Orleans, 809 (Roman Catholic).

NORTH CAROLINA

Barber-Scotia College, Concord, 279¹ (Presbyterian).
 Johnson C. Smith University, Charlotte, 916 (Presbyterian).
 Livingstone College, Salisbury, 641 (African Methodist Episcopal Zion).
 St. Augustine's College, Raleigh, 642 (Protestant Episcopal).
 Shaw University, Raleigh, 563 (Baptist).

SOUTH CAROLINA

Benedict College, Columbia, 802¹ (Baptist).

TENNESSEE

Knoxville College, Knoxville, 675 (Presbyterian).
 Lane College, Jackson, 501 (Christian Methodist Episcopal).
 Le Moyne College, Memphis, 555 (American Missionary Association).

TEXAS

Bishop College, Marshall, 615 (Baptist).
 Huston-Tillotson College, Austin, 476 (private corporation).
 Wiley College, Marshall, 527 (Methodist).

Mr. JAVITS. Mr. President, the law against discrimination in publicly supported institutions of higher education was established by a series of Supreme Court decisions long before the separate-but-equal doctrine was put to rest for primary and secondary education in the Brown against Board of Education, 1954 decision. As the memorandum shows, some progress has been made toward desegregation in almost every Southern State, although the problems remaining are still enormous. Because of the long history of decisions in this field, I simply call to the attention of the Department of Health, Education, and Welfare the facts as they now are and the clear import of the law, which was stated without contradiction by a distinguished panel of legal experts before the Education Subcommittee in hearings on May 17, 1963. The witnesses cited abundant authority for the proposition that the Department not only is authorized, but has a constitutional duty, to withhold Federal tax moneys from institutions which practice racial discrimination or segregation. I expect that the Department in administering this measure if it ultimately becomes law—as I devoutly

¹ Accredited on probation.

hope that it shall—will bear in mind what has been said here upon this subject and the basic policy of the United States.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RANDOLPH. I wish to state for the Record that in the State of West Virginia attention has been given to the subject under discussion by the Senator from New York. To my personal knowledge, as a member of two boards of trustees of institutions of higher learning in our State, there has been a recognition of the needs of education for all who are qualified. We met the problem in a forthright manner. Educational institutions at the college and university level in West Virginia have realized that race or religion is not a bar to a college training.

Mr. JAVITS. I am very grateful to my colleague for his announcement and the word of confirmation and reassurance which he has given to all of us.

Mr. MORSE. Mr. President, I yield myself 3 minutes.

I wish to associate myself with the remarks of the Senator from Rhode Island [Mr. PASTORE] and the Senator from New York [Mr. JAVITS]. I agree with everything that they have said in respect to the amendment that was adopted the other day. I also agree with the observations of the Senator from New York on the so-called civil rights issue.

I owe it to the Senate to make clear before the vote what my position will be in conference, because I agree with the Senator from Rhode Island and the Senator from New York that the amendment adopted last week will have to be very carefully considered by the conferees. I shall do everything I can to uphold the Senate in respect to the legitimate objective that I thought the Senate had in mind in connection with the amendment. But I think the Senator from Rhode Island put it very well when he spoke about the "sleeper" provision in the amendment.

We tried to point out to the Senate before the vote was taken that in its form the amendment would be very damaging to the bill. I am not even sure we shall even be able to get into conference with the amendment on the bill. We have had no assurance or indication yet that we have a very good chance to obtain a rule. I hope we can. We are working on it.

As the Senator from Rhode Island has pointed out, the amendment does damage to the equity jurisdiction of the courts. To the extent that we can improve the language of the amendment in order to protect the equity powers of the courts and give the courts an opportunity to pass upon frivolous actions brought, I wish the Senator to know that I shall be openminded in considering arguments from the House in that respect. I refuse to believe that denying accessibility of any funds whatsoever for the many years that it may take in some jurisdiction for a case to go through the courts was contemplated by the proponents of the amendment. I would not

wish anyone to say afterward, if I should recommend in conference that a modification of the amendment be accepted, that the senior Senator from Oregon in some way betrayed the Senate. Senators know that in conference we shall have to come to a compromise on the bill in several respects in order to get a bill at all. I will do my best to sustain in conference what I believe to be the objectives of the Senator from North Carolina and the Senator from Kentucky. But I also know that many Senators who were not aware of what was involved in the amendment voted for it. They have said so since. The Democratic whip came to me and said that many Senators had spoken to him about it. They have also spoken to me about it.

They did not know that the amendment was as broad as the Senator from Rhode Island pointed out. I believe it is only proper for me to say that if we go to conference on the bill, if it is passed in the next few minutes, I shall not sit in the conference and take the position that under no circumstances will I agree to any modification of the bill. If a proposed modification of the bill is made that I think is not just, reasonable, and within the framework of the duty of a conferee to negotiate, of course, I shall not vote for the modification. But I do not wish anyone to believe that I will go into a conference and take the position that I shall not bring back a report unless the House is willing to accept the Ervin-Cooper amendment, because we, as conferees of the Senate, may find that the merits of the situation warrant a modification of the amendment along the lines that the Senator from Rhode Island and the Senator from New York have suggested.

So far as the other arguments of the Senator from Kentucky are concerned, I have answered them so many times during the course of the debate—and, in my judgment, the committee report answers them—that I do not wish to take any more time, other than to say that it seems to me that the hurdle that the Senator from Kentucky has not even come anywhere near getting over in his argument is the already established policy of the Congress of the United States in connection with various programs that involve categorical grants to religious colleges.

Although the Senator will say that he did not vote for it because he was not present, the fact remains that not so long ago the Senate passed a bill which provided for grants to medical colleges, many of which are operated by church-affiliated organizations, to the tune of many millions of dollars. No Ervin-Cooper amendment was attached to that bill. In fact, there has not been an Ervin-Cooper amendment attached to any of the other measures proposed.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. COOPER. Whether I was present or not when the bill was voted on, has nothing to do with either my convictions or the principle involved in the bill. I pointed out in my statement that I have voted for various types of aid advanced

to students attending church-related schools. I am very glad that I did so. I believe that they are within the scope of the Supreme Court's interpretation of the first amendment. I am not arguing today the constitutionality of Federal laws to church-supported hospitals or church-supported medical colleges. I do not know what the Court would do in such a case. In the case of hospitals it could very well determine, as I think it should, that such aid is for the primary benefit of the patients in the hospital.

What I said was that I believed that this bill—embracing practically all facilities which, except for a few exclusions, can be built by the use of tax funds—would go far beyond anything that Congress has ever done before and contravenes the first amendment. I state what I believe it to be.

I did not draft the second amendment which Senator ERVIN and I offered, and which was adopted, providing a procedure to test the constitutionality of the loans we question. I cannot speak for the Senator from North Carolina. I can only say that as far as I am concerned, the interest I have in enabling this issue to reach the Supreme Court so that a determination of constitutionality can be made.

As we pointed out last week, the Frothingham case makes it difficult if not impossible to have this matter tested in the Federal courts, and I am certain the interest of those who voted for the amendment, which is now the Senate amendment, was to make certain that this important question could be tested in the Supreme Court. I believe the conferees should, and will, insist that it be maintained in conference with the House.

Mr. MORSE. As I am sure the distinguished Senator from Kentucky knows I am always pained when he and I are in disagreement. We seem to be in complete disagreement at this time. Perhaps we should agree to disagree.

The point I am making is that in my judgment we cannot justify applying the policy of the Ervin-Cooper amendment to institutions which would be involved under this bill and not apply it to the medical schools. I am not talking about hospitals, although that raises an interesting point, too. Medical schools are institutions of higher education. They are medical colleges, Mr. President. They are colleges as much as any other higher education school can be, and we have provided for millions and millions of dollars of Federal aid to them, even though no such proposal was attached to them.

I have already pointed out that there are 10 Federal programs to which such a proposal has not applied, and if Senators believe we have not been making grants to religious schools, I can cite examples, as I did earlier in the debate, as long as my arm of specific project grants to such religious schools.

Let me dramatize one. An atomic reactor, one of the greatest in the country, was obtained by Notre Dame University under a Federal program. That was a grant. Within a stone's throw of the Capitol, figuratively speaking, Georgetown University has received many

grants for various items. Of course we have been making categorical grants, but we have never restricted them by making such conditions as those which would be imposed under the Ervin-Cooper amendment.

The only point I am now making is that I owe it to Senators, since I will probably be a member of the conference, to forewarn them that we may have to take some modifications of this amendment in conference. If we do, I would support an amendment which sought to eliminate the possibility of frivolous action being brought, as the Senator from Rhode Island has pointed out, because I do not believe we should adopt an amendment that, in effect, would take away the jurisdiction of courts of equity.

I do not see how we can escape the fact that the amendment would do so, because we put in a strict prohibition in regard to making any funds available until the case has run its course. The court cannot pass judgment at that point as to whether it is a frivolous case or not.

In all fairness I needed to say what I have said, but I wish the Senator from North Carolina and the Senator from Kentucky to know that, as a conferee, I shall do everything I can in conference to retain the major objective of their amendment.

However, I do not consider myself bound to a position which I cannot compromise in conference. I intend to go into conference to listen to any compromise which is justified on the merits of the arguments made.

Mr. President, I now yield to the Senator from Minnesota [Mr. McCARTHY].

Mr. McCARTHY. Mr. President, I wish to commend the Senator from Oregon and members of the Labor and Public Welfare Committee who worked with him in drafting this aid to higher education bill. I am of the opinion that we could pass an aid to higher education bill which would go far beyond the physical sciences and mathematics.

Because of some Supreme Court decisions and some attitudes existing in the United States, I believe the action taken by the committee under the leadership of the Senator from Oregon was a genuine demonstration of prudence that quite properly attempted to limit this bill—and did limit it—to areas which are really outside the area of controversy.

The justification for all this is twofold. First is the existing court decision. In addition to that is the great need which exists for aid to higher education. We are 2 or 3 years late with this program.

Congress—and particularly the Senate Committee on Labor and Public Welfare—has made two or three serious attempts to meet this particular need in the past and has been frustrated in its efforts.

The Senate quite properly has backed off and said, "Let us have a limited program, a restricted program, a program which could not be subject to or should not be subject to criticism or to court tests."

In the long run, I believe, some of the court decisions will probably be reversed

or some of the opinions which have been written will in some way be modified. I believe in this country we suffer somewhat from the great precedent and tradition which has arisen from the fact that Oliver Wendell Holmes was once on the Supreme Court. Some members on the Court now apparently would prefer to be remembered for a well-turned phrase rather than for the decisions which have been made. But this is a fact of life, with which we must necessarily live in the year 1963.

I was somewhat surprised by the support which the Ervin-Cooper amendment received from some Senators who, at least within recent months and years, have been most critical of the Supreme Court, and who have been most ready to assert that the initiative for action should remain with the legislative branch of the Government. The action supported would put the courts in the legislative process even before the law we enact becomes operative. One might have expected those Senators to say, "Let us have a test, but a test only after this legislation has been passed and after a program has been put into operation." In the case of this amendment we have found them supporting an amendment which would inject the Court into the procedure even before the action of the Congress became operative. I would hope, certainly, if the restriction in the Senate bill regarding the use of the grants and loans should be sustained in conference, that there would then be no need for the Ervin-Cooper amendment. Even if the limitations are not accepted in conference, the provisions of the Ervin amendment, which would provide for a prior test and would have the effect of stopping the program altogether, at least should be changed in conference.

Mr. MORSE. I thank the Senator from Minnesota.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Colorado [Mr. ALLOTT].

Mr. ALLOTT. Mr. President, I intend to vote against the pending bill, and I wish to explain why I intend to do so, since I dislike having to do something that on the surface appears to be against education.

We have just heard a most ingenious argument. It is an argument of rationalization. The rationalization is that—whether we know it or not—we have already been doing this, so we must therefore continue to commit ourselves to do something in which we do not believe.

Mr. President, with respect to the basic question, it took many hundreds of years to separate the government and the churches of the world. This involves all churches. I am not singling out any particular one. It merely depends upon when and where it was.

Our forefathers put a provision in the Constitution, in the first amendment, which was intended to keep the state and any church separated forever.

When I came to the Senate, I took an oath that I would uphold the Constitution to the best of my ability. As I view the situation today—though others may

differ—I would be violating the oath of office I took in January 1955, before this body, if I voted for the pending bill.

I know that what the senior Senator from Oregon has stated is true. I was shocked, I was stunned, I was surprised last Friday to learn that NASA, for example, now has 750 fellowships at its command, which it is dispensing at an annual cost of \$5¼ million; that they want 1,000 this year; and that they hope by next year to have 3,000 of them, at a cost of approximately \$21 million.

No one can possibly assert that every young man and woman in the United States has an equal and fair chance at those fellowships, because they are too tightly controlled in the hands of a few men in a few institutions.

But laying that argument aside as irrelevant, what do we intend to do? If we take this step, never more can we say that the United States is not bound to support every institution of higher learning in this country, not only by way of teachers, not only by way of assistance in the science class, and assistance in languages, but also by way of assistance in the construction of buildings. When we give a grant to construct a building, and that building then becomes the property of a private institution, particularly if that private institution happens to be a church, no matter which church, even if it were my own, I believe we have overstepped the bounds of propriety.

I would much rather face this issue directly, with an effort to repeal the first amendment in part, to see if the people of America, if they had an opportunity, would favor the repeal of the first amendment even in part. I think we would be astounded at the ground swell that would come from every corner of this country saying, "Do not repeal the first amendment in part."

I am perfectly aware, as a lawyer, of the so-called weaknesses in the Ervin-Cooper amendment. I voted for it. I would vote for it again because, even with those weaknesses, we cannot afford to take this step, where we are dabbling—and I use the word advisedly—with the first amendment of the Constitution. We cannot afford to send this bill to the President for his signature without the Ervin-Cooper amendment, and not give to some man or woman in the country the opportunity to go to the Supreme Court and say, "I believe this is unconstitutional."

The distinguished Senator from North Carolina explained very well the other day how the interest of a single individual is de minimis, an interest that is so small that the Supreme Court will not permit him to bring an action in court.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield 2 additional minutes to the Senator from Colorado.

Mr. ALLOTT. The fact is that this is the only way we can do it. Perhaps there are ways to modify the amendment, but one thing we must not do; we must not yield on the basic point that anyone in this country has the right to test the constitutionality of this particular bill. It is particularly so because we go along with the rationalization that,

perhaps, having done something before, we should do it again; that perhaps having done something that should not have been done before, we should do it again.

I say this not because I do not have an interest in education. I have had such an interest all my life. I have voted for such measures. I was the coauthor of the National Defense Education Act, and some provisions were my own, particularly the language provisions. But because to me the bill is a violation of the first amendment of the Constitution—that is the way I interpret it, although others may have different views—I did not feel I would be living up to my responsibilities in the office in which my people have placed me when they sent me here if I voted for the measure.

I yield back the remainder of my time.

Mr. MORSE. Mr. President, I yield myself 1 minute. I can appreciate the position of the distinguished Senator from Colorado on final passage of the bill. We were opposed on the Prouty amendment to the bill, and on the Ervin-Cooper amendments to the bill. It is to be expected that we will differ on final passage.

I now yield 1 minute to the Senator from Minnesota [Mr. HUMPHREY].

VISIT TO THE SENATE BY DR. KURT GEORG KIESINGER, PRESIDENT OF THE BUNDESRAT, FEDERAL REPUBLIC OF GERMANY, AND OTHER DISTINGUISHED PERSONS

Mr. HUMPHREY. Mr. President, we are privileged to have with us today Dr. Kurt Georg Kiesinger, President of the Bundesrat, Federal Republic of Germany.

Before I proceed further, I ask unanimous consent that the Ambassador from the Federal Republic of Germany, His Excellency Heinrich Knapstein; Mr. Georg von Lilienfeld, Minister; Mr. Friedrich Ruth, Second Secretary; and Dr. Otto Rundel, personal aid to Dr. Kiesinger, who are present with him, may have the privilege of the floor while these distinguished visitors are presented to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. The United States is honored to have with us today Dr. Kurt Georg Kiesinger, President of the Bundesrat of the Federal Republic of Germany, which is the Upper House of West Germany, as well as the other gentlemen I have named. Dr. Kiesinger will be with us for some time, to meet with officials of our Government, and to deliver lectures at leading universities on the subject of "Germany, After the Adenauer Era."

Dr. Kiesinger is a member of the Bundesrat by virtue of his elected office as Minister President of Baden-Wuerttemberg, a state in southwest Germany. He is a prominent member of the Christian Democratic Party, and one of the leading officials of the German Federal Republic.

We are honored to have him with us, and we look with great honor, respect, and pride upon the close alliance be-

tween the United States of America and the Federal Republic of Germany.

I need not say what an important and vigorous role the Federal Republic of Germany has played in building a strong home for freedom in Western Europe. The West German participation in NATO and in other European organizations such as the Council of Europe has been largely responsible for the growth in economic, social, military and democratic resources on the side of the West. We are proud to be allied with West Germany in furthering this great cause.

I should like to present to our colleagues Dr. Kurt Georg Kiesinger, who has been with us in the Senate Committee on Foreign Relations, as well as his personal aid, Dr. Otto Rundel; his Excellency Heinrich Knappstein, Ambassador; Mr. Georg von Lilienfeld, Minister; and Mr. Friedrich Ruth, Second Secretary.

[Applause, Senators rising.]

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD, at this point, a biographical sketch of Dr. Kiesinger.

There being no objection, the sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF DR. KURT GEORG KIESINGER

Dr. Kiesinger is Minister President of the state of Baden-Wuerttemberg. Currently he is serving as the President of the Bundesrat, the Upper House of the German Parliament.

Dr. Kiesinger was born on April 6, 1904, in Ebingen, a town in the southern state of Wuerttemberg. He studied philosophy, history, and law at the universities of Tuebingen and Berlin. He was admitted to the bar in 1934 and practiced law in Berlin. During the war he served in the German Foreign Office.

In 1947 he resumed the practice of law in Tuebingen. In the same year he became a member of the Christian Democratic Party and was elected to the Bundestag in 1949 in the first general election held in the Federal Republic of Germany. He was reelected in 1953 and 1957.

From 1954 to 1958 Dr. Kiesinger was chairman of the Bundestag Committee for Foreign Affairs. From 1950 to 1958 he was a member of the Consultative Assembly of the Council of Europe. In 1958 Dr. Kiesinger was elected Minister President of the state of Baden-Wuerttemberg, by the state's parliament.

Dr. Kiesinger has studied and lectured in the United States and is fluent in English. He is married and has two children. His daughter, Viola, is currently studying at Georgetown University.

ASSISTANCE TO INSTITUTIONS OF HIGHER LEARNING

The Senate resumed the consideration of the bill (H.R. 6143) to authorize assistance to public and other nonprofit institutions of higher education in financing the instruction, rehabilitation or improvement of needed academic and related facilities in undergraduate and graduate institutions.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from North Carolina [Mr. ERVIN].

Mr. ERVIN. Mr. President, I shall vote against the bill because it constitutes a violation of the first amendment of the Constitution. The bill ought to be en-

titled "An act to give the religious denominations of the United States access to the public purse."

I maintain that that is the inevitable result of the bill. There is really nothing except lipservice paid by the provisions of the bill to the proposition that tax moneys cannot be used to finance religious institutions. That is true because under the provisions of the bill any building erected in part with loans to a religious college or university can be used from the beginning for any purpose which that religious college or university sees fit to put it. And any building constructed in part with grants for the benefit of any religious college or university can be used for any purpose the college or university sees fit to put it to after the expiration of 20 years.

The Supreme Court of the United States has declared in case after case that tax moneys cannot be used to support religious institutions, and that is precisely what the bill does. The Supreme Court has declared in several cases that tax moneys cannot be used to aid all religious institutions.

The bill would authorize the use of tax money to enable religious colleges and universities to acquire fee simple title to many millions of dollars worth of property.

When the Constitutional Convention of 1787 completed its work, Benjamin Franklin said, "We have given you a republic, if you can keep it."

The only reason why the Republic has endured thus far is that most Americans in public positions have seen fit to adhere to constitutional principles. We have before us a bill which does violence to constitutional principles. It gives religious denominations access to the public purse in violation of the first amendment.

That is surprising enough to me, as a Member of a body whose Members are sworn to uphold the Constitution of the United States. But it is even more surprising to me to be told that the conferees of the House might wish to nail the courthouse door shut, and not allow American citizens to test the constitutionality of the bill in the courts.

Congress cannot possibly justify denying the people of America access to the Federal courts to obtain an adjudication on whether or not Congress has exceeded the powers it has under the Constitution by passing a bill of this character.

I trust that the conferees will keep in the bill the amendment which makes it certain that the people of the United States can find out whether Congress is exceeding its powers under the Constitution and nullifying the first amendment, and doing what Thomas Jefferson said was a sinful and tyrannical act; that is, compelling men to make contributions of tax moneys for the propagation of religious doctrines which they disbelieve.

When we add the Members of the Senate who voted for the Cooper-Ervin amendment, and those who were paired in favor of the amendment, and those who gave me their private assurances that they favored it, but who were absent and not recorded on the final vote, we find that there were approximately 62

Members of the Senate who favored the amendment according to the votes, pairs, and assurances.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield to the Senator such time as he may require.

Mr. ERVIN. I am opposed to the bill because it gives to the religious denominations of this country access to the public purse in a wholesale fashion in violation of the first amendment. The retention of the Cooper-Ervin amendment in the bill is essential if we are to obtain a judicial determination whether Congress is exceeding its powers under the Constitution. I sincerely trust that the House and Senate conferees will manifest their devotion to that part of the Constitution which clearly contemplates that controversies about the meaning of the Constitution shall be decided by the Federal courts and sustain the position the Senate took in connection with the amendment.

Mr. MORSE. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. I yield 3 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I contemplate voting against the pending measure on three grounds. First, if the plan is adopted, it will destroy the incentive of private philanthropists and State and local governments in attempting to solve the problem which confronts them.

The record is clear that vacancies exist in countless universities, which can accommodate our youth who want to attend an institution of higher learning.

Several years ago a study was made of the subject of facilities. The record shows that the facilities of our institutions of higher learning throughout the country were used approximately 40 percent of the available time. We know that throughout the past the problem of educating our children in public schools and in institutions of higher learning has been the responsibility of State and local governments, with the aid of individuals and foundations which were willing to contribute their money for the maintenance of that system.

First, as I have already stated, with the Federal Government entering the field of financing, all incentive for local and State governments and individuals to solve the problem will be destroyed.

In Ohio there is on the ballot a bond issue of \$250 million, \$175 million of which would be used to finance the provision of equipment and new buildings. The moment the National Government enters this field, it might as well be written in black, bold type, that the efforts of local and State governments and private individuals in solving the problem will be at an end.

Second, I will vote against the pending measure because, as I have already said, we are steeped in the mire of a national debt of more than \$300 billion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield 3 minutes to the Senator from Ohio.

Mr. LAUSCHE. The debt, instead of having decreased after World War II,

as it has in the past, following wars, today is \$35 billion more than it was in 1946. Those who advocate spending at no time make mention of how the spending should be financed. If anything, they aggravate the problem by recommending less revenue and increased spending. This year our deficit will be approximately \$8 billion.

It is anticipated that the deficit will continue into the next 3 years. On that basis I do not believe the bill should be passed.

Finally, in my judgment the bill should not be passed because it would destroy the traditional method of State and community support without a new Federal subsidy.

The argument is made that a large number of facilities will be required in order to solve the problem. It is pointed out that students will be enrolled in the next 10-year period in such numbers as definitely to require facilities which cannot be financed by the local and State governments.

In 1955, while I was Governor of Ohio, President Eisenhower called a national conference for the purpose of studying the adequacy of the facilities of our public schools. It was then argued that unless the Federal Government came to the aid of local governments, the public school system would fail. It is now 1963. Eight years have passed. Instead of looking prospectively, we can look retrospectively to see what the facts are. Every argument made in 1955 with regard to the only method of solving the public school problem has been refuted by the facts. If the words spoken in 1955 were true, there would have been a complete collapse of the public school system by today.

Eight years have passed. No bill has been passed to provide the subsidies then recommended. Yet the problem has been solved in substantial degree.

Of course, the program now under consideration has an appeal to many persons. It has an appeal to those who are in charge of our institutions of learning. But the course that has been followed in the last 15 years has been: "Tell them the Federal Government will give them something for nothing, and they will take it." That is what we shall be doing by passing the bill.

For the three reasons I have enumerated, I shall vote against the measure.

Finally, it is my sincere hope that a legitimate effort will be made to insure that a taxpayer who believes that his constitutional rights have been violated will be enabled to enter any of the court-houses of our country and have a hearing on his complaint.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. JAVITS. I yield an additional minute to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, the Senator from Oregon [Mr. MORSE] has been a teacher of law. I am sure that if there is one principle that stands out in law, especially in our democracy, it is that no citizen, regardless of how rich or how poor he may be, shall be denied the right to have his complaint heard by a

duly constituted judicial tribunal. No blacker day, no graver cloud could fall upon our system of jurisprudence than to have it said that Congress ingeniously and cleverly concocted a scheme to bar a citizen from going into court and asking for an adjudication of a complaint which he believed he had.

I am now willing to go along with the proposition that this is a controversial issue; but I believe a citizen should have the right to be heard in court.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield me 1 minute?

Mr. MORSE. I yield 1 minute to the majority leader.

Mr. MANSFIELD. Mr. President, I have listened with much interest, as always, to the distinguished Senator from Ohio. However, I do not like the use of the words which were contained in his last statement relative to the honesty and integrity of Members of this body. I assure him, the distinguished senior Senator from North Carolina [Mr. ERVIN], and the distinguished senior Senator from Kentucky [Mr. COOPER] that the first thing the distinguished Senator from Oregon [Mr. MORSE], who is in charge of the bill, told me, as soon as the Ervin-Cooper amendment had been adopted, was that, so far as he was concerned, the Senate having spoken its mind, he would do his very best to retain the amendment in conference, even though he personally opposed it. The RECORD ought to be clear, so far as concerns the intent and integrity of Senators, that there should be no question about their doing their duty.

Mr. JAVITS. Mr. President, I yield myself 30 seconds. I support, from this side of the aisle, what the distinguished majority leader has said. I was a conferee on the last higher education bill. If the Senate so wills, I shall be a conferee on this bill.

In my main speech, in which I analyzed my reasons for supporting the bill, I made clear what I considered to be my duty. The Senate having adopted the Ervin-Cooper amendment, it is the duty of the conferees to do their utmost to sustain the Senate in this very important vote. As a conferee, I shall proceed in precisely that way.

Mr. MORSE. Mr. President, I yield myself 2 minutes. I appreciate the remarks of the Senator from New York. I have explained my position. Every Senator knows that we cannot go to conference and dictate the terms of the conference. We must do our utmost to bring back as much of the contents of the Senate version as we can. I want to bring back the backbone of what the Senator from North Carolina and the Senator from Kentucky have proposed.

The Senator from Ohio [Mr. LAUSCHE] has raised a question about the nonprotection of the taxpayers under the Ervin-Cooper amendment, with respect to frivolousness.

There is great merit in that contention. The conferees will do everything possible to retain the main objectives sought by the Senator from North Carolina. But I thought it only ethical and proper for me to say—and I re-

peat it now—that I shall not go to conference under any mandate that would restrict my right to negotiate to get the best bill from the conference, even though it might mean some modification of the amendment.

I yield 2 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I have a basic belief in the principle of separation of church and state. I am sure that the Chairman of the Committee on Labor and Public Welfare [Mr. HILL] and the Chairman of the Subcommittee on Education [Mr. MORSE] would reaffirm that perhaps no member of the committee has been more concerned over this vital issue in a deeper sense than the Senator from West Virginia, who now urges the passage of the pending bill.

However, I feel that in the measure now before us, no violence is done to the Constitution as it is applied to the first amendment. I realize that there is a difference of opinion. There is a conviction which varies within the membership of this body. My correspondence from back home reflects dissent and approval. So this is a difficult determination for me to make. But I shall support the measure, believing it to be in the public interest and commensurate to that degree—I use the expression "that degree"—which I feel does no violation to my basic belief in the principle of the separation of church and state. My approval is not predicated on what vote is the expedient vote. My action squares with my conscience.

Mr. MORSE. I yield 1 minute to the Senator from Michigan.

URGENT NEED FOR COLLEGE FACILITIES

Mr. HART. Mr. President, since we began debating H.R. 6143, to assist institutions of higher education in financing academic facilities, there has come to my attention a pertinent article from the Detroit News of October 12, 1963, by William W. Lutz. This article cites chapter and verse the need of the Michigan small colleges and universities for this very type of assistance.

Especially noteworthy are the concluding sentences, to the effect that these colleges "have been crowding additional students into existent facilities for so long that they have come to the end of the line. None expects a miracle to correct the system. But they worry that crowding may adversely affect quality."

This reporter found a crisis in the higher education situation in Michigan, which the bill before us could help alleviate. As I urged in debate last week, I hope we will pass it in a form that will have maximum likelihood of reaching the President's desk.

Mr. President, I ask unanimous consent that the article from the Detroit News to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit News, Oct. 12, 1963]

FACE MORE GROWING PAINS: MICHIGAN'S SMALL COLLEGES BULGING

(EDITOR'S NOTE.—A new era has arrived for Michigan's former teachers colleges, now

sizable universities. And the growth continues, Detroit News Reporter William W. Lutz says in the seventh article of his series on "Michigan's Crisis in Higher Education.")

(By William W. Lutz)

Michigan's small public colleges and universities—now as big as the major universities were a few years ago—see no end to their growing pains.

Even in this year of comparative quiet before the 1964-65 enrollee storm, many classrooms overflow and, at some schools, three students are housed in rooms built for two.

Laboratories and libraries are taxed beyond long-established limits.

EXPECT BIGGER BOST

None care to look past 1965 when the enrollment crisis will worsen because of an increased wartime birthrate. By 1970, statewide enrollments are expected to total 318,000. The unofficial count this fall was 193,000.

Population increases, plus an increasing desire of high schoolers to go to college, are expected to keep enrollments high thereafter.

The greatest enrollment surprise of the fall fell upon Eastern Michigan University, at Ypsilanti, a school racked much of last year by administrative controversies.

SERVING FINAL YEAR

Eastern, with its president, Eugene B. Elliott, serving out a lame-duck final year at the State Board of Education's ultimatum, boosted its enrollment by 1,300 to 7,200.

Western Michigan University at Kalamazoo increased its student body by 900—to 12,000. It is the largest of the State's quartet of universities that were founded originally as regional teacher colleges.

Northern Michigan University at Marquette moved its enrollment from 3,000 to 3,500, a large increase for a school which draws 78 percent of its student body from its immediate surroundings in the Upper Peninsula.

FERRIS ROLLS UP

Central Michigan University at Mount Pleasant pushed its total to 6,500.

Ferris State College, offering a broad program that especially attracts the technically minded, bloomed to 4,775, an increase of 550.

Grand Valley State College, Grand Rapids, opened the doors of its first building to a freshman class of 236. The class was filled 2 weeks ahead of actual registration.

SAY FUNDS LAG

All but Grand Valley complain, as they have for several years, that State appropriations lag behind actual need and do not provide funds to build against the day when campuses will be jammed even more.

By lengthening the school day, enlarging class sizes, and doubling up, all the schools say they can "make do" for another year, aided by construction underway.

"But, we are packed like sardines," says James W. Miller, WMU president.

An education building, costing \$3,500,000, will provide more office and classroom space but it won't be completed for a year.

Four residence halls, costing \$5 million, also are going up.

Coming are a \$2 million addition to the student center and a \$1,700,000 extension to the fieldhouse.

ASK FOR PATIENCE

Only the education building required a State appropriation. The others are being financed through self-liquidating bonds. Of course, all the buildings create an expansion which eventually will show up in requests for a larger operating fund.

"We are asking students and faculty members to practice patience," Miller says.

But even when the buildings are completed, they will ease crowding only for a short time.

EMU expects some relief from a residence hall under construction and a second soon to be started. Both will be self-liquidating.

STRUCTURES IN FUTURE

Elliott says the school for years has needed a fine arts and industrial building and additions to a library and student union.

This year it received planning money, but the structures are sometime in the future.

Elliott asserts present EMU residence halls are operating "at a 28 percent overload." Many students are rooming in houses near the university.

"Students tolerate crowded classes and labs because they have no choice," he comments. "If they could go somewhere else, more comfortably, they would."

BUILDINGS GOING UP

New construction also is continuing at Central Michigan where a State financed \$2,750,000 science building is underway, to be ready next fall.

Two residence halls and a married students complex—both self-amortizing—also are being built.

CMU has added two "post sessions" to its two-semester curriculums which will allow students to acquire up to 10-credit hours during the summer.

Enrollment is expected to rise to 10,000 by 1970.

NMU EXPANDING

Northern Michigan University also has been expanding. Under construction are a residence hall and food center, both to be completed next September. An addition to the school's university center will open in January.

The school recently occupied a new fine and practical arts building, costing taxpayers \$2,600,000. It marked the first classroom building to be erected on the campus since 1915, according to Edgar L. Harden, president.

But the school still needs a science building, a new heating plant and additional library facilities. Some 340 students are being boarded in private homes, Harden says.

SEEK TRADE BUILDING

Ferris is expanding with two self-financed residence halls and a \$1,750,000 State appropriated health and physical education center, part of which will open in December. A trade technical building is sought so that the school can accept a larger enrollment in this area.

"We are at capacity now," reports Victor F. Spathelf, president. "We tugged and pulled to get in this fall's added enrollment."

"Next year the pressure will be greater, but the stretch is all gone—we won't be able to do anything about it."

FIVE HUNDRED ON WAITING LIST

Ferris this fall turned away hundreds of students, but kept 500 on a waiting list to fill places vacated by dropouts at midterm.

In the last 12 years Ferris has added 4,000 to its enrollment. In 1951 it was a school of only 775.

Each school's problems vary, necessarily, but most administrators declare they have been crowding additional students into existing facilities for so long that they have come to the end of the line.

None expects a miracle to correct the system. But they worry that crowding may adversely affect quality.

Mr. MORSE. Mr. President, I yield 7 minutes on the bill to the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. Mr. President, I wish to speak on behalf of the bill now before us. In light of the demands which the Nation faces for expanded facilities for higher education and for more technical schools, this legislation is urgently necessary. I support this bill and am

proud to be a cosponsor of the Senate bill which would fulfill the same purposes and objectives.

On October 8, I had placed in the Record, tables of "Payments to States and Individuals Under Selected Programs of the Federal Government Relating to Education, 1938-63 Fiscal Years." Among other things, those tables showed that currently we are spending at less than our 25-year average for education compared to the gross national product, the national budget, or the number of people educated. At a time when educated, informed citizens are unquestionably our most vital national resource, the facts indicate that we have not been alert to our responsibilities.

At some appropriate occasion I wish to put some flesh and blood on those figures I presented, in order to indicate more fully some of the economic and human values we have been reaping from our investments in education. At this time, however, I wish to emphasize:

First. That the Federal Government's responsibility in education is a well-established principle.

Second. In terms of benefits to the Nation, Federal participation in the cost of education should be seen as an investment, not an expense.

Third. Federal participation has not had any of the stultifying effect of control in education. On the contrary, it has been a stimulus to freedom, and a protection to a diversified system of education.

Fourth. The extraordinary demands on education in the decade ahead of us, cannot be met by State-local-private sources alone.

Fifth. The Federal responsibility, long recognized and established in principle, has chiefly been exercised in times of educational crisis. I urge that we look ahead with planning and foresight to avoid crises in the future.

DOES THE FEDERAL GOVERNMENT HAVE A RESPONSIBILITY?

The question of whether the Federal Government should participate in educational support, or if it has any responsibility was answered 100 years ago by the passage of the first Morrill Act. The answer then was "yes" and that affirmation has been reiterated time and again. That legislation started the land-grant colleges. Today these 68 colleges and universities enroll approximately one-fifth of the total college enrollment in the United States, although they constitute only one-thirtieth of the institutions of higher learning.

VOCATIONAL EDUCATION

In this century we have recognized a Federal responsibility in the support of vocational education by the passage of the Smith-Hughes Act and the George-Barden Act. Since World War II a variety of special needs have elicited Federal help as a necessary component.

UNIVERSITIES AND THE GOVERNMENT

The Government relies on the universities to do those things which cannot be done by Government personnel in Government facilities. It turns to the universities for basic research in the field of agriculture. The remarkable competence of American agriculture is due in

no small part to this research, experimentation, and extension work of the universities. The Federal Government, however, has had to turn to the universities in many other fields: defense, medicine, public health, to name a few. Today it is for the conquest of space. Tomorrow our concerns may reach beyond the stars.

RETURN ON EDUCATIONAL INVESTMENT

In all these ways, the Government has a tremendous investment in education. However, there has been a dollars-and-cents return of impressive proportions. A publication of the Chase Manhattan Bank summarized one economic study as indicating that 24 percent of the increase in the gross national product from 1929 to 1957, and 44 percent of the increased production per worker, could be attributed to the higher level of education in the labor force. In addition, it was reported, increased knowledge and its application accounted for another 17 percent of the growth in the gross national product, and 31 percent of the rise in the output per employee.

The publication states:

The record shows that the growth in the gross national product resulting from education has been sufficient to cover much of the cost of our school system despite the rapid rise in enrollment and expenditures. Thus, year-for-year, as well as over time, a large part of the expenditure on education is self-financed.

They are speaking of the total expenditures for education at all levels. The Federal amounts spent are an extremely small part of total costs. In fact, the total is less than 4 percent.

National defense and security, national health, and national economic growth are a direct reflection of the skills and resources developed by our schools. Nowhere have we gotten so much for so little cost. Here is the ultimate line of defense for our country.

IS THERE FEDERAL CONTROL?

Nor has there been, in the long and happy history of this Federal-educational partnership, any hint of Federal control. The bogey is continually raised, but never with evidence.

The agricultural and mechanical colleges which the Federal Government subsidized 100 years ago and ever since, had a specific purpose. How to implement this purpose, interference with subject matter or teaching methods, has never remotely been involved. The experimental stations and extension programs in which the Department of Agriculture has participated with the land-grant schools, have been free to initiate and carry out any research deemed necessary. The 10,000 county agents and home demonstrators in 3,000 counties in America are as free as the individuals they work with.

President Pusey of Harvard reported his view, and that of all of the university presidents who participated with him in the Carnegie report, that the Federal participation in education did not imply control.

How free is a scientist if he does not have equipment and facilities with which to do research? How free is a college to do a good job in language training if

it cannot afford laboratories and modern equipment? How free is an able student to get into college if there is no dormitory there to house him, teachers to teach him, or classrooms to study in?

Not only has the heavy hand of control upon thought or academic discipline never been present, not only has freedom of opportunity been an outstanding hallmark of the Federal program, but the strength of the diversity of our higher educational system has been reinforced.

PUBLIC AND PRIVATE COLLEGES

In the history of Federal aid to higher education, Congress has not drawn a line between public and private colleges and universities. In the beginning, Brown, Yale, Cornell, Rutgers, and other schools of a private nature—some denominational and some not—were given grants. Today, of the 100 universities which receive 90 percent of all Federal research funds, 55 are public, and 45 are private. In the top 10 universities receiving 38 percent of the funds, the division is even—5 to 5. The ratio of private to public institutions in the United States is almost 2 to 1. Despite the number of private institutions, the ratio of students in private as opposed to public institutions has declined from one-half to less than one-third in the past 20 years. This trend will continue, but it would be accelerated if private schools are excluded from our consideration.

It is generally estimated that the institutions of higher learning will have to spend approximately \$10 billion annually for educational and general purposes by 1970. This compares to a rate of \$3.7 billion in 1957-58, of which \$1.2 billion came from State and local sources. Their amount of support might go to \$3 billion or, by virtue of Herculean effort, to \$6 billion. They simply cannot carry the total load.

States, in all but several instances, are heavily committed to their State institutions. Increases from the States will go almost entirely to those public institutions. On the other hand, only a handful of private colleges and universities have the endowment resources to hope to keep up. Given the total State debt which is much more significant than that of the Federal Government, and the limited sources of funds for private institutions, not only is it going to be difficult for a State-local effort to stay even, but higher education will lose ground unless the Federal Government continues to discharge its responsibility.

GRANTS AND LOANS

A Federal program of adding matching grants to loans for facilities is an important stimulus to funds from other sources. The Federal loan program to colleges has worked magnificently. Since 1950, some 900 colleges and universities, enrolling 85 percent of the college student population have received housing loans. Never in the program's history has there been a default on a loan, and interest payments by the participating institutions in 1962 exceeded by \$2.5 million the interest the Government paid for outstanding loans.

Tremendous as the record is, the crushing needs of the tidal wave of stu-

dents coming in demand accomplishing more than can be done by the loan route alone.

The legislation before us is modest in its provisions. It does not begin to have either the imagination or the courage shown by the Congress in 1862 when they made a response as big as the need they were trying to serve. The Nation was then tearing itself apart. It was nearly bankrupt. The Congress could have taken the attitude of holding public lands, and speculating in values with a hope of balancing the budget. Let us give thanks that they did not. Let us have something of their vision. The costs we bear now will be as nothing compared to the penalties of neglect.

EDUCATION AND CRISIS

Finally, let me say that it is time to stop legislating for education only under the impetus of crisis. It is time we took a long look ahead, surveyed the total need, anticipated developments, and formed an understanding of the continuing Federal role in a balanced, overall program.

The dates of major legislation in education in this century, tell the story of acting under crisis. In 1917 the Smith-Hughes Act responded to the spur of wartime needs. The GI Bill of Rights after World War II did likewise. It is generally conceded that the Russian "Sputnik" jarred us into the realization of the need for the NDEA, by showing us that the Soviets had done some shrewd planning to develop an educational system with which to move into a scientific age and exploit its technology.

Now we are seeing that we have many other problems. Our vocational education is woefully out of date. We do not begin to have the educational plant to take care of the rising student population. We have not realized fully the degree to which the national strength in defense, the vitality of the economy, and social and human welfare depend upon our people being given the most complete opportunity to education in the arts and skills of the new age and thereby enabling them to cope with the challenge of automation. The final responsibility in such a case for a coordinating and balance-wheel role lies with the Congress. I hope we build upon our present legislation, watch closely to learn from its experience, and instead of waiting for future crises, resolve to anticipate and avoid them.

Equality of opportunity in education, not only for all individuals, but also for all of the arts and skills a free nation needs, requires a continuing Federal commitment. This philosophy was never better put than by the early advocates of the land-grant universities in their plea for the Federal assistance. President Joseph R. Williams, a Michigan pioneer, protested education being reserved for a favored few when "seven-eighths of a race, on whose toil all subsist, have been deemed unworthy of mental cultivation." Justin Morrill, in one of many eloquent passages, criticizes the philosophy of education for the few:

All persons, however humble their pursuits, become more valuable by education, more useful to themselves and to the com-

munity, and especially so where each one has a visible and responsible share in the Government under which he lives.

The pleas 100 years ago were for an opportunity for education for everyone. The Government responded and has reaped a tremendous harvest from its response. Today the special forms of education have changed, but the principles, from a national point of view, have not.

We are not too poor to meet our responsibilities. We do not have other needs that are greater. We do have the wit and wisdom to take a long look at the total picture. The legislation before us is good. However, I hope we do not think of it as the keystone, much less the whole arch of the educational structure, which needs our continuing interest as long as there are citizens to educate, a country to defend, and new vistas to be explored.

The bill that we pass today will help us maintain our position in this vital race between education and possible disaster. It is a step in the right direction and, as has been elucidated above, it is a step in the best tradition of American democracy and free education. This bill helps meet the need so eloquently described by the President when he requested this legislation.

Aid to college students will be to no avail if there are insufficient college classrooms. The long-predicted crisis in higher education facilities is now at hand. For the next 15 years, even without additional student aid, enrollment increases in colleges will average 340,000 each year. If we are to accommodate the projected enrollment of more than 7 million college students by 1970—a doubling during the decade—\$23 billion of new facilities will be needed, more than three times the quantity built during the preceding decade. This means that, unless we are to deny higher education opportunities to our youth, American colleges and universities must expand their academic facilities at a rate much faster than their present resources will permit.

In many colleges, students with adequate modern dormitories and living quarters—thanks to the College Housing Act—are crammed in outmoded, overcrowded classrooms, laboratories, and libraries. Even now it is too late to provide these facilities to meet the sharp increases in college enrollment expected during the next 2 years. Further delay will aggravate an already critical situation.

Title I(a) of this bill will provide for, first, the construction of much needed graduate and undergraduate academic facilities; second, expansion of existing facilities; third, acquisition of land and site improvement; and fourth, \$180 million a year for 5 years which, while not sufficient, will indicate the Federal desire to help meet the financial crisis facing our educational system.

Title II will provide funds for the construction of community colleges. These will fill an urgent need for higher education facilities within commuting distance of the students and thereby bring such education within the financial means of many who would otherwise be excluded.

Title I(b) will provide \$120 million per year for 5 years for loans for the construction of graduate and undergraduate

academic facilities of public and other nonprofit institutions of higher learning.

Regrettably there have been amendments offered to this legislation which will serve to weaken and dissipate its effect. I am sure that this was not intended by those who proposed or those who voted for these amendments. However, there is little question that the amendment which will provide for taxpayer suits under the first and fifth amendments or other constitutional provisions will only serve to hamper the implementation of this program. It will also delay the availability of funds, with suits possibly initiated for a variety of reasons not intended by those who supported this amendment.

During consideration in conference committee, I am in hopes that this amendment will be deleted and that we will pass a bill with no weakening or dilatory provisions.

Only in this way can we meet the challenge of a growing population, a burgeoning technology, and a shrinking planet.

Mr. MORSE. Mr. President, does the Senator from Florida wish me to yield time to him?

Mr. HOLLAND. No.

Mr. MORSE. I am ready to yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. McIntyre in the chair). The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE (when his name was called). On this vote, I have a pair with the Senator from Pennsylvania [Mr. CLARK]. If the Senator from Pennsylvania were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Indiana [Mr. HARTKE], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], and the Senator from Oklahoma [Mr. EDMONDSON] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from North Dakota [Mr. BURDICK] and the Senator from Mississippi [Mr. EASTLAND] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from California [Mr. ENGLE], the Senator from Indiana [Mr. HARTKE], and the Senator from Rhode Island [Mr. PELL] would each vote "yea."

On this vote, the Senator from North Dakota [Mr. BURDICK] is paired with the Senator from Colorado [Mr. DOMINICK].

If present and voting, the Senator from North Dakota would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Mississippi [Mr. EASTLAND].

If present and voting, the Senator from Nevada would vote "yea" and the Senator from Mississippi would vote "nay."

On this vote, the Senator from Washington [Mr. MAGNUSON] is paired with the Senator from Louisiana [Mr. ELLENDER].

If present and voting, the Senator from Washington would vote "yea" and the Senator from Louisiana would vote "nay."

On this vote, the Senator from Louisiana [Mr. LONG] is paired with the Senator from Idaho [Mr. JORDAN].

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Idaho would vote "nay."

On this vote, the Senator from Oklahoma [Mr. EDMONDSON] is paired with the Senator from Maine [Mr. MUSKIE].

If present and voting, the Senator from Oklahoma would vote "nay" and the Senator from Maine would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. CORTON] is absent on official business as congressional adviser to the Radio Conference of the International Telecommunications Union, Geneva, Switzerland.

The Senator from Colorado [Mr. DOMINICK], the Senator from Idaho [Mr. JORDAN], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Delaware [Mr. BOGGS] and the Senator from South Dakota [Mr. MUNDT] are absent because of illness.

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Delaware [Mr. BOGGS]. If present and voting, the Senator from Texas would vote "nay" and the Senator from Delaware would vote "yea."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from North Dakota [Mr. BURDICK]. If present and voting, the Senator from Colorado would vote "nay" and the Senator from North Dakota would vote "yea."

On this vote, the Senator from Idaho [Mr. JORDAN] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting, the Senator from Idaho would vote "nay" and the Senator from Louisiana would vote "yea."

The result was announced—yeas 60, nays 19, as follows:

[No. 196 Leg.]

YEAS—60

Aiken	Fong	Jordan, N.C.
Anderson	Fulbright	Keating
Bartlett	Gore	Kennedy
Bayh	Gruening	Kuchel
Beall	Hart	Long, Mo.
Bible	Hayden	Mansfield
Byrd, W. Va.	Hickenlooper	McCarthy
Carlson	Humphrey	McGee
Case	Inouye	McGovern
Dirksen	Jackson	McIntyre
Dodd	Javits	McNamara
Douglas	Johnston	Metcalf

Miller
Monroney
Morse
Morton
Moss
Nelson
Neuberger
Pastore

Pearson
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smathers

Smith
Symington
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—19

Allott
Bennett
Byrd, Va.
Cooper
Curtis
Ervin
Goldwater

Hill
Holland
Hruska
McClellan
Mechem
Robertson
Russell

Simpson
Sparkman
Stennis
Talmadge
Thurmond

NOT VOTING—21

Boggs
Brewster
Burdick
Cannon
Church
Clark
Cotton

Dominick
Eastland
Edmondson
Ellender
Engle
Hartke
Jordan, Idaho

Lausche
Long, La.
Magnuson
Mundt
Muskie
Pell
Tower

So the bill (H.R. 6143) was passed.

The title was amended, so as to read: "An act providing Federal assistance for the construction of college academic facilities."

Mr. MORSE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. RANDOLPH. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of the Senate amendments, to make certain technical and clerical corrections and changes; and I also ask unanimous consent that the bill as passed by the Senate be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I move that the Senate insist upon its amendments and request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HILL, Mr. McNAMARA, Mr. MORSE, Mr. YARBOROUGH, Mr. CLARK, Mr. RANDOLPH, Mr. GOLDWATER, Mr. PROUTY, and Mr. JAVITS conferees on the part of the Senate.

TRIBUTES TO SENATORS

Mr. MORSE. Mr. President, I should like to express my sincere thanks to the majority leader and the minority leader for their unfailing courtesy and assistance to the senior Senator from Oregon in connection with the handling of the education bill which has just passed the Senate.

I wish to thank the members of the subcommittee and the full committee for their unfailing assistance to me at all times as over the months we worked getting the bill ready for the final vote, which has just occurred.

I wish to express my appreciation to the counsel for the committee, Mr. John S. Forsythe, and Mr. Charles Lee, professional staff member; Mr. Michael J. Bernstein, counsel and Mr. Raymond D. Hurley, assistant counsel for the minority for their great assistance to me.

With respect to this bill, as with previous educational bills on behalf of the committee, I wish to acknowledge the

debt of gratitude owed for the splendid assistance provided to us by Secretary Celebrezze, Dr. Wilbur Cohn, Commissioner Kippel, and their hard working associates in the Department of Health, Education, and Welfare.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the majority leader.

Mr. MANSFIELD. Mr. President, what the distinguished Senator from Oregon has said is deserved by everyone except the majority leader. I make that statement in good heart and good faith. Once again the Senator has displayed his usual superb skill, his fine sense of understanding, and his good generalship in piloting through this body a measure of major importance. I assure the Senate again that, so far as the Senator from Oregon and his colleagues on the conference are concerned, they will do their very best to uphold the actions taken by the Senate in the consideration of any and all amendments before this body. Again I congratulate the Senator for a task well done.

Mr. YARBOROUGH. Mr. President, will the Senator yield to me?

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. YARBOROUGH. I thank the distinguished minority leader.

I commend the distinguished chairman of the Subcommittee on Education, the senior Senator from Oregon [Mr. MORSE]. As a member of that subcommittee I have watched him in the subcommittee and in the full Committee on Labor and Public Welfare. Early in the 87th Congress the Senator started holding long and patient hearings. He heard the leading educators of America. That education bill bogged down in conference.

Again in the 88th Congress, during many trying days, the Senator from Oregon presided over and attended the hearings day after day. He has written a record of fidelity to the hearings on the bills before him that is seldom equaled by a chairman in the Senate. I commend him for his patience, his fidelity, and his hard work. I think he has performed an outstanding example of good work in the Senate.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from Vermont.

Mr. PROUTY. Mr. President, I have already commended the chairman of the subcommittee for his excellent work, but I wish to add to what has again been said by his colleagues on the subcommittee. As a conferee, I shall do my utmost to see that the sentiment of the Senate is upheld.

I also take this opportunity to express my personal appreciation to Mr. Bernstein and Mr. Hurley, who are members of the minority staff on the Committee on Education and Public Welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1576) to provide assistance in combating mental retardation through grants

for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction and initial staffing of community mental health centers, and for other purposes.

INCORPORATION OF THE CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA AND THE JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

The PRESIDING OFFICER. Under the unanimous-consent agreement entered into on Thursday last, the Chair lays before the Senate the bills, S. 1914, and S. 1942, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 1914) to incorporate the Catholic War Veterans of the United States of America; and (S. 1942) a bill to incorporate the Jewish War Veterans of the United States of America.

The PRESIDING OFFICER. Under the unanimous-consent agreement there is a limitation of 30 minutes of debate on the question of final passage of the two bills now being considered en bloc, at the conclusion of which a single yeas-and-nays vote will be taken on the two bills.

The Senate resumed consideration of S. 1914, a bill to incorporate the Catholic War Veterans of the United States of America; and S. 1942, a bill to incorporate the Jewish War Veterans of the United States of America.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the distinguished Senator from New York.

Mr. KEATING. Mr. President, the major objection leveled against the grant of Federal charters to the Catholic War Veterans and Jewish War Veterans is that it is a step in the direction of approved segregation. I, too, would join the forces of the opponents if this were the effect of S. 1914 and S. 1942. The grant of Federal charters to these fine veterans organizations in no way advances the cause of enforced exclusion.

Both the Catholic and Jewish War Veterans are groups with two specific interests: one of military background and one of community of belief. They are voluntary organizations giving expression to their unity of interests.

If the sole test for a grant of a charter to a veterans organization is service to country, then we have erred in granting charters to more than one group. I cannot subscribe to the thesis that service to country should be the only criterion. This country has gained through diversity of institutions and we must never confuse unity with conformity. By granting Federal charters to various veterans organizations we have allowed greater participation by a greater number of veterans. The result has been to make us all more aware of our great institutions with the presence of more voices emanating from these different organizations.

The Jewish War Veterans and Catholic War Veterans maintain the spirit of patriotism, loyalty to the Constitution, engender goodwill and understand-

ing, commemorate the campaigns of wartime service, and foster associations of veterans of faiths who served together in the defense of our country.

The test of a Federal charter should be whether we approve the purpose of the organization and the record it has established. The service of the Jewish War Veterans and the Catholic War Veterans to our country is a matter of public record and I urge that we now grant them the prestige of national charters, which they so richly deserve.

I ask unanimous consent for the correction in the spelling of seven of the names listed as incorporators in section 1, page 2 of the bill S. 1492, to incorporate the Jewish War Veterans. I send to the desk a list of the names as they should be correctly spelled.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President—

Mr. HICKENLOOPER. Mr. President, what time is yielded to the Senator from Minnesota?

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Minnesota [Mr. McCARTHY].

SUPPORT OF THE SALE OF WHEAT TO THE SOVIET UNION BY THE NATIONAL CATHOLIC RURAL LIFE CONFERENCE

Mr. McCARTHY. Mr. President, there has been some debate about the question of the sale of wheat to the Soviet Union on the basis of moral principles. This issue was discussed at a recent meeting of the board of directors of the National Catholic Rural Life Conference, and the board issued a resolution supporting the wheat sale. I ask unanimous consent that the news report and the text of the resolution, appearing in the Catholic Bulletin of St. Paul on October 18, be printed at this point in the RECORD.

There being no objection, the article and resolution were ordered to be printed in the RECORD, as follows:

WHEAT SALE DECISION HAILED

GRAND FORKS, N. DAK.—The National Catholic Rural Life Conference (NCRLC) has endorsed the sale of U.S. wheat to Russia and Soviet satellite countries at its board of directors meeting here.

Prompted by President Kennedy's October 9 announcement that he had approved the sale of 7 million tons of wheat valued at \$375 million, the NCRLC said in a telegram to the President that there are "both moral and practical reasons" for stepped-up trade relations with Communist bloc nations, including the wheat sale.

The resolution adopted at the meeting October 8 and 9, said "only the most serious reasons justify our withholding food from hungry people regardless of the nation in which they live."

The text of the NCRLC resolution follows: "For many years the U.S. Government has made it a policy to avoid, though not totally to exclude, trade with Russia, China, and most Communist satellite nations. That policy is now being reconsidered. Specifically, consideration is being given to selling wheat to such nations.

"Communist nations repeatedly fail to provide the food needed by their people, while U.S. farmers produce a great abundance of food. This is clear proof of the superiority of our free, family-type farms

over the state-operated farms of Communist nations. All the peoples of the world should be informed of these facts.

"Almighty God gave us the resources to produce an abundant food supply to nourish people. Christ our Lord warns that severe judgment will be meted out to those who refuse to feed their hungry brethren: 'Depart from Me, accursed ones, into the everlasting fire * * * For I was hungry, and you did not give me to eat * * *' (Matthew 25: 41-42). Hence, only the most serious reasons justify our withholding food from hungry people regardless of the nation in which they live.

"Pope John XXIII in his encyclical *Pacem in Terris*, reminded us that, although communism is in error and error may never be embraced, still movements such as Communist governments are affected by current economic, political, and social climate and may change to such a degree that a new policy toward them can be considered.

"He elaborates as follows: 'But to decide whether this moment has arrived and also to lay down the ways and degrees in which work in common might be possible for economic, social, cultural, and political ends which are honorable and useful—these are the problems which can only be solved with the virtue of prudence. * * *

"Therefore, so far as Catholics are concerned, this decision rests primarily with those who live and work in the specific sectors of human society in which those problems arise, always, however, in accordance with the principles of the natural law, with the social teaching of the church, and with the directives of ecclesiastical authority' (par. 160).

"Accordingly, we urge our national leaders to reexamine trade policies with Communist nations. Specifically, we suggest that consideration be given to selling wheat to Russia's satellites and perhaps even to Russia herself. We see both moral and practical reasons why, with proper regard to prudence and national security, we should consider entering into such transactions."

DEATH OF HENRY ARENS, FORMER MEMBER OF CONGRESS, FROM JORDAN, MINN.

Mr. McCARTHY. Mr. President, I have received word of the death of a former Member of Congress, Mr. Henry Arens, of Jordan, Minn., and I wish to take this opportunity to pay tribute to a good citizen who for many years conscientiously served his State and the Nation in elective office.

Mr. Arens died on October 6 at the age of 89. He was one of the leaders of the Farmer-Labor Party in Minnesota in the 1930's, before this party joined with the Democratic Party to form the Democratic-Farmer-Labor Party. He served in both the House of Representatives and the Senate of the Minnesota State Legislature before he was elected as Lieutenant Governor of Minnesota in 1930. In 1932 he was elected to the U.S. House of Representatives from the Second Congressional District, and he served one term in the House.

Mr. Arens had not been active in politics for many years, but I recall having visited with him on several occasions and being impressed by his continued interest in the welfare of citizens, particularly of farmers.

I ask unanimous consent that the news story about Mr. Arens which appeared in the Minneapolis Tribune, October 7, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Morning Tribune, Oct. 7, 1963]

HENRY ARENS, FORMER STATE POLITICIAN, DIES

Henry Arens, former Lieutenant Governor and U.S. Congressman from Minnesota, died Sunday at Valley View Hospital in Jordan, Minn. He was 89.

Mr. Arens was elected Lieutenant Governor in 1930 as a candidate of the Farmer-Labor Party. He served one term under Gov. Floyd B. Olson and then rejected his party's renomination to run for Congress.

Mr. Arens was the first non-Republican to hold the State's second highest executive post since the Civil War and his decision to seek a congressional seat in 1932 spurred a hasty party decision to get him to change his mind.

Mr. Arens refused, however, and won his race for Congress. He served one term before being defeated in a bitter reelection struggle by Elmer Ryan. At the end of that campaign, Mr. Arens said he was convinced "that politics is not worthwhile, and that never again will I ask favors of the electorate."

The German-born Mr. Arens had made his home in Jordan since 1890 and served 2 years in the lower house of the State legislature, and 8 years as a State senator before his election as Lieutenant Governor.

He was regarded as a pioneer in the Farmer-Labor Party and was a firm supporter of farm legislation both in Minnesota and in Washington, D.C.

Mr. SMATHERS. Mr. President, will the Senator yield me 1 minute?

Mr. JAVITS. Mr. President, I yield the Senator 1 minute.

The PRESIDING OFFICER. The Senator from Florida is recognized for 1 minute.

TAX REDUCTION BILL

Mr. SMATHERS. Mr. President, now that the Congress is considering the tax reduction bill the question that keeps arising and recurring is whether we need tax reduction in order to stimulate the economy. The contention of those who support tax reduction is that it will stimulate the economy. In order to fortify that argument, I ask unanimous consent to have printed in the RECORD an article which was published in this morning's Wall Street Journal, entitled "Steel Outlay Surge," written by John F. Lawrence.

The article states, in part:

The mills began to get some added cash last year with the change in depreciation guidelines, which allowed faster write-offs of new facilities for tax purposes, and with a new tax credit for equipment purchases. Reflecting the new guidelines, the industry's depreciation charges jumped 26 percent to \$928 million in 1962, easing its tax burden.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STEEL OUTLAY SURGE—PRICE BOOSTS HELP LIFT SPENDING SHARPLY TO MODERNIZE PLANTS—REPUBLIC EXPECTS TO DOUBLE BUDGET FOR 1964; COST CUTS SOUGHT TO BATTLE IMPORTS—DEPRECIATION CASH BUILDS UP

(By John F. Lawrence)

PITTSBURGH.—Steel producers, having received some of the depreciation reform and price relief they argued were needed to provide funds to modernize mills, are wasting no

time putting their money where their argument was.

"Our capital spending is going to be very greatly accelerated" because of this year's steel price increases and the 1962 U.S. Treasury change in depreciation guidelines, says Thomas F. Patton, president of Republic Steel Corp. The company's directors last month approved some major new appropriations and Republic now expects its 1964 spending to be "more than twice" this year's \$65 million, says Mr. Patton. Earlier, next year's spending had been pegged only slightly higher.

Other mills are making similar, if less sweeping decisions, say the companies that engineer and build steel mill machinery. Most of these report a sharp jump in requests for bids in the past 2 months. "The biggest problem of some mill machinery companies right now is finding enough manpower to work up bids on all the inquiries they're getting," says a sales official for one mill supplier.

A 25-PERCENT RISE?

The upshot: Combined plans of seven of the biggest steelmakers for 1964 capital spending now add up to a rise of 25 percent over this year. Industrywide, such a gain would boost spending to more than \$1.5 billion, the highest total since 1960 and close to the 1957 peak of \$1.7 billion. Steel's 1963 spending for new plant and equipment is expected to top \$1.2 billion, a 33-percent rise over 1962.

Many of the projects being approved or discussed in the current round of spending plans won't be completed next year. So industry officials already forecast a further climb in capital spending in 1965.

Spurring this uptrend, say steel men, is severe competitive pressure from lower priced foreign steel and from aluminum, plastics and other materials. Critics of the industry have thought this pressure to be an argument against raising steel prices. But such steel executives as United States Steel Corp. Chairman Roger Blough have long argued that steel could meet the competition only by bringing production costs down, that it could do this only by a major plant modernization program, and that to carry out that program the industry needed an immediate transfusion of ready cash.

DEPRECIATION HELP

The mills began to get some added cash last year with the change in depreciation guidelines, which allowed faster writeoffs of new facilities for tax purposes, and with a new tax credit for equipment purchases. Reflecting the new guidelines, the industry's depreciation charges jumped 26 percent to \$928 million in 1962, easing its tax burden.

Developments in recent weeks have given considerably more impetus to spending plans. Demand for steel is rising steadily and producers since August have been able to boost prices on products accounting for 38 percent of the industry's shipments. This is on top of boosts last spring that covered an equally broad segment of the market. The resulting 2 percent increase in the average selling price of all steel products means added annual revenues of \$280 million for the industry at this year's selling price.

With more cash now coming in, steelmen are drafting plans to spend it just the way they said they would. "The corporation is in the mood to spend" on new facilities, says a high executive of United States Steel. The company's spending already had been expected to rise next year from the 1963 level, which in turn is well above last year's \$201 million, he says. But he now foresees a further boost in the 1964 budget.

Another steel executive expects every penny raised by higher prices to go into modernization, rather than into dividend increases because "the rest of the world has moved faster than we, and we've got to catch up."

WHERE MONEY WILL GO

Most of the new expenditures will be aimed at replacing aging facilities and taking advantage of technological advances that promise cost cuts. Steel companies often won't say officially exactly what new facilities they plan. But informed sources indicate these are some of the major projects in the works but not yet announced:

National Steel Corp. in the past 6 weeks has appropriated money for a new 80-inch-wide mill for producing cold-rolled sheet steel at its Great Lakes Steel Corp. subsidiary plant in Detroit. The new mill and supporting equipment, which could cost as much as \$50 million, will replace an older facility and help keep the company competitive with similar new mills already announced for the Midwest by United States Steel, Bethlehem Steel Corp. and Youngstown Sheet & Tube Co. One industry official calculates the new mill will cut per ton rolling costs in half compared with the present unit.

United States Steel plans to buy an 80-inch hot strip mill for its Gary, Ind., works. The new mill is expected to be one of the fastest in the world. It will cost more than \$80 million and will add 6 million tons to United States Steel's present 3-million-ton hot rolled sheet capacity at Gary, unless some older Chicago area units are closed. This will help the company go after a bigger share of the big Midwest automotive and appliance markets for flat-rolled steel. United States Steel also is talking of at least one other rolling mill at Gary.

Republic, which had been taking its time letting contracts for a previously announced new bar mill at its South Chicago plant and for basic oxygen furnaces to melt raw steel at three other plants, now is speeding up both projects. The company also is discussing putting in new bar-making facilities at its Youngstown plant.

Bethlehem at its Sparrows Point, Md., plant complex, and Weirton Steel Division of National each plan a second new rolling mill for producing thin tinplate, a relatively new product used in cans. Each mill will cost about \$25 million. The new mills will lower cost and add to capacity for the product, which is growing rapidly in use.

Some companies had budgeted heavily for 1964 and beyond even before the latest price boosts. Bethlehem this year is spending only about \$200 million of a 3-year, \$750 million appropriation that runs through 1965. The biggest project is the company's first midwestern facility, a new Burns Harbor, Ind., finishing plant announced last December. Inland Steel Co. recently reported plans to spend \$100 million next year, against \$85 million this year and \$42 million in 1962.

Among other major producers, Youngstown Sheet & Tube currently expects to spend \$75 to \$80 million next year, about double its 1963 outlay. Armco Steel Corp. is winding up a major program begun in 1959 and expects a lull in spending next year, with outlays dropping to \$60 million from this year's \$80 million to \$90 million, but it's now developing another 3- to 5-year program, says D. E. Reichelderfer, executive vice president. Recent price boosts undoubtedly will make it possible to move ahead sooner than otherwise on some projects he adds.

Improved demand this fall, which would have boosted profits available for investment even if there had been no price increase, is adding steam to the spending push. Output of raw steel now appears headed for 108 million tons this year, highest since 1957. Shipments of finished steel are expected to rise to 75 million tons, 7 percent over 1962, lifting industry profits at least 15 percent from last year's 10-year low of \$567 million.

In addition, says one mill machinery supplier, the mills "a while ago were forecasting the economy would turn down in the first half next year. Now they figure it may rise."

If it does, of course, the rise could spur increased spending in other industries, too.

In part, the step-up in steel spending also reflects the increased research efforts mills have made in recent years. These efforts have developed new products that require new equipment—the new mills for producing thinner tinplate are an example—and new method of making steel more cheaply.

Such developments are coming so fast that Jones & Laughlin Steel Corp. and United States Steel have established new forward planning units within the past 2 months to oversee capital spending programs. Their big job: Get new equipment into operation soon enough to keep up with or beat competition, but not so soon that the company misses some of the technological improvement and winds up with a new facility outmoded before it opens. Such fears have helped to hold back the launching of some big projects, including Bethlehem's mill at Burns Harbor, in recent years.

While some of the new spending undoubtedly will go into new basic oxygen furnaces, which trim the cost of making raw steel, the emphasis in the new round of spending is likely to be on finishing facilities to take advantage of technological advances in rolling mills and other finishing processes. A Republic official calculates 27 new finishing mills have been announced by the 8 biggest steel producers since January 1962, and predicts this concentration will continue.

The industry's increased spending can hardly be justified, of course, in terms of need for more tonnage output. Even with operations improved this fall the industry is running at only 62 percent of capacity. Raw steel capacity was estimated at 162 million tons annually at the beginning of 1963.

Capacity nonetheless continues to grow as a result of new facilities being installed primarily to cut costs. Armco figures a new basic oxygen furnace at Ashland, Ky., adds 1.4 million ingot tons to the company's annual capacity. Inland is building new oxygen furnaces capable of turning out 2 million tons of ingots yearly, but will offset half of this by closing older furnaces.

Mr. SMATHERS. Mr. President, I believe this new facilities being installed conclusively that what we did last year in changing the depreciation allowance and allowing the investment credit of 7 percent has done as much to stimulate the fine business condition now existing as anything else; and it demonstrates that if there should be a further tax reduction the economy would be further stimulated.

INCORPORATION OF THE CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA AND THE JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

The Senate resumed the consideration of the bills (S. 1914) to incorporate the Catholic War Veterans of the United States of America; and (S. 1942) to incorporate the Jewish War Veterans of the United States of America.

Mr. SALTONSTALL. Mr. President, will the Senator from New York yield me 30 seconds?

Mr. JAVITS. I yield 1 minute to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

Mr. SALTONSTALL. Mr. President, I was one of the sponsors of one of these bills. I did so because both of these or-

ganizations have units in Massachusetts. Most of the members are also members of the American Legion and the Veterans of Foreign Wars, or one of those two great major national organizations. This program has worked well in Massachusetts. The veterans have all cooperated. For that reason, I hope these two organizations may be nationally constituted at the present time.

Mr. HICKENLOOPER. Mr. President, I do not intend to take much of the time of the Senate today. The issues are pretty clear. As I said last Thursday when this matter was under consideration, we hear much about segregation in this country. We hear people make speeches and read newspaper articles about segregation and how wrong it is. I agree that it is wrong.

This is one of the most glaring segregation proposals, sponsored by the same people who are making the greatest effort against segregation. These bills represent support of segregation based upon service to one's country in time of war and based on segregating servicemen by their religion. That is all there is to these bills.

I have the highest respect for the Catholic War Veterans association. I have the highest respect for the Jewish War Veterans association. I have the highest respect for the Masonic War Veterans association. I have the highest respect for the association of any other religious group that calls itself a veterans organization, if the members care to combine themselves into a club based upon common religious ideas and religious views. That is all right. But a Federal charter which would operate directly and diametrically opposed to the things that most of us are trying to do now—that is, to avoid segregation in this country—is offensive to me. It is offensive to me in principle, and it would violate the movement down the road that I hope this country will go.

The Federal charter which is being requested is not required. Neither does it follow the general purpose that a veterans organization chartered by the National Government should require for basic membership qualifications that grow out of service to one's country.

The Veterans of Foreign Wars are chartered. The American Legion is chartered. The Disabled American Veterans are chartered. But the disabled veterans' disabilities grow out of their service. The foreign war experience of Veterans of Foreign Wars grows out of their service to their country.

The basis for membership in these organizations, in addition to service to their country, is association with or adherence to a certain religious group. It is just as wrong for those of my religion to ask for such a charter as for anyone else of another religion to ask for it. I believe it is wrong in principle.

There does not seem to be great interest in this proposal one way or the other. It has been beaten every time it has come up in the past 15 years. We have considered various groups. The French-American War Veterans wanted a national charter. There is nothing wrong with the Italian-American War Veterans asking for a Federal

charter. There is nothing wrong with the German-American War Veterans asking for a Federal charter. The point is that they are establishing qualifications. They are combining the service to their country in time of war with a qualification on a religious basis of a religious background. That is wrong. It is just as wrong as it can be.

I venture to say that some Senators who will vote for the charters today in the Senate upon reflection will come to the firm conclusion that their vote has been wrong.

Mr. President, that is the sum total of my argument. I thought this issue had been laid to rest a long time ago. There are certain club privileges, I understand, which flow from a Federal charter. They cannot be obtained without a Federal charter. I do not know exactly what those club privileges are.

I repeat that I have nothing but the utmost of respect for these organizations as groups combining together with a common cause, which is their general religious orientation. That is perfectly fine. It is perfectly fine for all of us to do that. We have our own church. We have our own beliefs. We have our own organizations. But I believe it is wrong to base a Federal charter upon qualifications of religious association and then attempt to explain it, or base it, or bottom it upon a common mutual service to country.

I am not going to labor the point any longer, Mr. President. I say it is segregation. It is one of the most glaring forms and would retrograde the objective which many of us have in mind—which is nonsegregation.

It would be just as much in order to grant a Federal charter to the white veterans of the United States, or to the colored veterans of the United States, or to any other particular specialized group. I would oppose those just as much as I would oppose these. I believe it is wrong fundamentally. I believe it is wrong in concept.

I honor the right of these people who have been servicemen to get together in their own club groups, but to grant an overall approval of a Federal charter to a segregated group, I believe, would violate the things that most of us believe should be the order of the day. These two bills are segregation bills, and make no mistake about that.

Mr. President, that is all I have to say at this moment; and I reserve the remainder of my time.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, we went over this question in rather great detail the other day before it was laid over for a vote. Two points were made by the Senator from Iowa with respect to this matter. The first related to giving a Federal charter and thereby proliferating our veterans' associations. The second related to the question of segregation.

Mr. President, there is a real basis for association. The Jewish War Veterans

have been organized since 1896. Not only has this group done everything the other veterans' organizations have done, but also it has taken a most valiant part, in an extremely patriotic way, in such incidents as those which occurred before World War II when the Nazi doctrine was being openly espoused by assorted bigots and anti-Semites on the streets of New York and other large cities. It fought manfully. I honor the organization for it. I believe that is what veterans are for when they organize.

Mr. President, we have not hesitated to give other veterans' organizations charters; like the Amvets, Veterans of World War II, and the Veterans of Foreign Wars, who place a premium on overseas service. The American Legion covers everybody who is a veteran who served at home or abroad. So I see no reason why we cannot and should not—when an organization has earned its spurs, as these two organizations have—give similar recognition, which is what a Federal charter really means in its fundamentals.

On the issue of segregation, I yield to no one in my feeling about that matter. The segregation which we fight about constantly is segregation which is enforced contrary to the civil rights—

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

That segregation is enforced contrary to the civil rights, under the Constitution, of American individuals to access to public facilities which exist in interstate commerce, which can be regulated by the United States; to desegregated education, when the school is supported by public moneys; to participate in a program without segregation when the United States contributes to that program; and to the right to vote, which is a right guaranteed by law.

None of us has ever contended that one must have dinner with a Negro because he is a nice fellow, or receive him at one's home, or join in association with that particular person. It is up to the individual to make that choice.

So it is in this case. I cannot see the segregation argument because we are not dealing with a situation in which any legal right is involved to have desegregation, and we are not dealing with a civil right or anyone under the Constitution. We are not dealing with desegregation, which is a matter of enforcement of any law. On the contrary, we are dealing with people who are associating together, people who have a common interest.

Finally—and probably this point is more decisive than any of the others—there is no restriction on membership, for example, in the Jewish War Veterans. There are some members of the organization who are not Jewish. I am a member of the Jewish War Veterans, and I also am a member of the American Legion and Veterans of Foreign Wars, and am very proud of it.

This question has not been raised for years. My colleague [Mr. KEATING] felt it to be his duty and responsibility to raise the question. It has been advanced

on the Senate floor for a vote. I feel that the reasons which have been made for voting against it are not valid, with the greatest of respect for my colleague, the Senator from Iowa. I have made this argument not because I would have brought the matter up in the first place, but the fact is it is here, and therefore it would constitute a disservice to this organization if the matter, having advanced this far, were to be turned down, for to do so would be unthinkable. Inasmuch as the question must be voted on, I hope the Senate will vote "yea."

Mr. HICKENLOOPER. Mr. President—

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. HICKENLOOPER. Mr. President, how much time have I?

The PRESIDING OFFICER. Nine minutes.

Mr. HICKENLOOPER. I yield 1 minute to the Senator from Colorado.

Mr. ALLOTT. I wonder if the distinguished Senator is aware that on October 16 my colleague and I introduced a bill for the incorporation of the U.S. Submarine Veterans of World War II.

Mr. HICKENLOOPER. I have heard of the bill.

Mr. ALLOTT. S. 2239.

Mr. HICKENLOOPER. I have heard of it. I draw a sharp distinction between that bill and these two, because the specialization of the submariners grows out of their war service.

Mr. ALLOTT. That is the reason why I am raising the question. That organization grows out of their class of war service.

Will the Senator yield to me for the purpose of asking unanimous consent that the bill to which I have referred may be offered as an amendment to the pending bill?

Mr. HICKENLOOPER. I will yield for that purpose, without losing the floor.

Mr. ALLOTT. Mr. President, I ask unanimous consent that S. 2239 may be offered now and considered as an amendment to the pending bill.

The PRESIDING OFFICER. Is there objection?

Mr. KEATING. Mr. President, reserving the right to object, the Committee on the Judiciary has before it a considerable number of bills to incorporate various organizations, including the—

Mr. HICKENLOOPER. Mr. President, whose time is this discussion coming out of?

Mr. KEATING. I yield myself 3 minutes. The Senator has already taken time. Now I am taking a couple of minutes to state my position.

The Judiciary Committee has before it a number of bills to incorporate veterans' organizations and other organizations. If this bill has been offered by the distinguished Senator from Colorado, it will in due course be considered by our subcommittee. I know nothing about the organization. I know of no reason why I would oppose the measure. I simply do not know about it, and we have not had the consideration which has been accorded to the two bills before us, which have been, as has been said, before this body for years.

Until the committee has had an opportunity to do so, and as the Senator in charge of the bill on this side, at the request of the distinguished minority leader, I would have to object to this unanimous-consent request.

Mr. HICKENLOOPER. Mr. President, I yield myself 1 minute.

I realize the great political pressures that are on this bill. I am fully aware of that fact. I am quite a realist. So I realize the political push that is on this bill.

Objection has been made to the request of the Senator from Colorado to include the submariners measure as an amendment to the bill. The submariners' qualifications arise from their service, not from their religion.

I repeat, I have nothing but the greatest respect for the religion of anybody, but when we begin to put religious qualifications into religious charters for servicemen, that is segregation by anybody's standards, which I think Senators will realize if they stop to consider it fully.

Mr. JAVITS. Mr. President, I am prepared to yield back the remainder of my time on the bills, if the opposition is prepared to yield back its time.

The PRESIDING OFFICER. Is all remaining time on the bills yielded back?

Mr. HICKENLOOPER. Mr. President, I am prepared to yield back the remainder of my time.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. How many votes are there to be? One or two?

The PRESIDING OFFICER. There will be one vote on the two bills.

Under the unanimous-consent agreement, the question is on the passage en bloc of S. 1914, a bill to incorporate the Catholic War Veterans of the United States of America, and S. 1942, a bill to incorporate the Jewish War Veterans of the United States of America.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Indiana [Mr. HARTKE], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], and the Senator from Tennessee [Mr. GORE] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from North Dakota [Mr. BURDICK] and the Senator from Mississippi [Mr. EASTLAND] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from

Idaho [Mr. CHURCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Indiana [Mr. HARTKE], the Senator from Washington [Mr. MAGNUSON], the Senator from Maine [Mr. MUSKIE], and the Senator from Rhode Island [Mr. PELL] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. CORTON] is absent on official business as Congressional Adviser to the Radio Conference of the International Telecommunications Union, Geneva, Switzerland.

The Senator from Colorado [Mr. DOMINICK], the Senator from Idaho [Mr. JORDAN], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Delaware [Mr. BOGGS] and the Senator from South Dakota [Mr. MUNDT] are absent because of illness.

The Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. MORTON], and the Senator from Nebraska [Mr. CURTIS] are detained on official business.

If present and voting, the Senator from Delaware [Mr. BOGGS], the Senator from Nebraska [Mr. CURTIS], the Senator from Idaho [Mr. JORDAN], the Senator from Colorado [Mr. DOMINICK], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 65, nays 10, as follows:

[No. 197 Leg.]

YEAS—65

Alken	Inouye	Prouty
Allott	Jackson	Proxmire
Anderson	Javits	Randolph
Bayh	Johnston	Ribicoff
Beall	Jordan, N.C.	Robertson
Bennett	Keating	Russell
Bible	Kennedy	Saltonstall
Byrd, W. Va.	Kuchel	Scott
Case	Lausche	Smathers
Cooper	Long, Mo.	Smith
Dirksen	Mansfield	Sparkman
Dodd	McCarthy	Stennis
Douglas	McClellan	Symington
Ervin	McGee	Talmadge
Fong	McIntyre	Thurmond
Goldwater	McNamara	Walters
Hart	Monroney	Williams, N.J.
Hayden	Morse	Williams, Del.
Hill	Moss	Yarborough
Holland	Nelson	Young, N. Dak.
Hruska	Pastore	Young, Ohio
Humphrey	Pearson	

NAYS—10

Bartlett	McGovern	Neuberger
Fulbright	Mechem	Simpson
Gruening	Metcalf	
Hickenlooper	Miller	

NOT VOTING—25

Boggs	Curtis	Long, La.
Brewster	Dominick	Magnuson
Burdick	Eastland	Morton
Byrd, Va.	Edmondson	Mundt
Cannon	Ellender	Muskie
Carlson	Engle	Pell
Church	Gore	Tower
Clark	Hartke	
Cotton	Jordan, Idaho	

So the bills (S. 1914 and S. 1942) were passed, as follows:

S. 1914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons:

Right Reverend Monsignor Edward J. Higgins, Austeria, New York;
Edward F. McElroy, Chicago, Illinois;

Reverend John J. Garry, Chicago, Illinois;
 Charles F. Shelley, Brooklyn, New York;
 William W. Histon, Southington, Connecticut;
 Walter D. Hyle, Junior, Baltimore, Maryland;
 Gerald M. Collins, Middle Village, New York;
 Joseph F. Reilly, New York, New York;
 Cresenzi W. Castaldo, Bayonne, New Jersey;
 William T. Dzurko, Glassport, Pennsylvania;
 Margaret E. Leafhill, East Orange, New Jersey;
 Leo Courchesne, Manchester, New Hampshire;
 Doctor Raymond Wargovich, McKeesport, Pennsylvania;
 Frank J. Kozicki, Lancaster, Pennsylvania;
 Henry J. Saindon, Manchester, New Hampshire;
 Vincent A. Hanna, Havertown, Pennsylvania;
 James Hamilton, Bronx, New York;
 John Greenwood, Levittown, New York;
 William Salamone, Milwaukee, Wisconsin;
 John M. Dealy, Port Washington, New York;
 Edward T. McCaffrey, Bronx, New York;
 Nicholas J. Wagener, Detroit, Michigan;
 Donald J. McQuade, Bakersfield, California;
 Thomas J. Cuite, Brooklyn, New York;
 William J. Gill, Connellsville, Pennsylvania;
 Peter J. Hopkins, Yonkers, New York;
 Robert T. O'Leary, Baltimore 13, Maryland;
 James W. Fay, New York, New York;
 Albert J. Schwind, Clifton, New Jersey;
 Thomas M. Bailey, Baltimore, Maryland;
 Joseph L. Kokoszka, Middletown, Connecticut;
 Arthur B. O'Hurley, Hartford, Connecticut;
 Samuel Zuraw, Shelton, Connecticut;
 Paul P. Zawicki, Baltimore, Maryland;
 Harry L. Merdzinski, Grand Rapids, Michigan;
 Frank J. Quinn, Grand Rapids, Michigan;
 Joseph Czarnowski, Grand Rapids, Michigan;
 Edward R. Sieracki, Grand Rapids, Michigan;
 Louis Gruver, Cincinnati, Ohio;
 Melvin Lawicki, Toledo, Ohio;
 Henry A. Jagielski, Youngstown, Ohio;
 John C. Mongan, Manchester, New Hampshire;
 Roger E. Brassard, Manchester, New Hampshire;
 Romeo V. Chagnon, Manchester, New Hampshire;
 Henry Saindon, Manchester, New Hampshire;
 Roy Rickert, Appleton, Wisconsin;
 Henry Woyach, Milwaukee, Wisconsin;
 Frank Ott, Wauwatosa, Wisconsin;
 Jerome P. Malin, Onalaska, Wisconsin;
 Nicholas M. Nimitz, Newark, New Jersey;
 Frank R. Wesolowski, Livingston, New Jersey;
 Augustus J. Poletto, Green Island, New York;
 Francis X. McBarron, Brooklyn, New York;
 Kameel J. Habib, Brooklyn, New York;
 James F. X. Carney, Hicksville, New York;
 Robert Hilber, Fargo, North Dakota;
 Fred W. Colby, Fargo, North Dakota;
 George Kuntz, Belfield, North Dakota;
 J. C. Mosbrucker, Glen Ullin, North Dakota;
 Gordon E. Banbury, Seattle, Washington;
 Paul C. Maurice, Seattle, Washington;
 George Mullins, Yakima, Washington;
 Miss Mary Fleming, Seattle, Washington;
 Robert Shugrue, Chicago, Illinois;
 Marion Mueller, Belleville, Illinois;
 Frank Middleton, Chicago, Illinois;
 George H. Sansom, Smithton, Illinois;
 Martin G. Riley, Philadelphia, Pennsylvania;

Elwood Terway, Philadelphia, Pennsylvania;
 Harold Stevens, Sharon Hill, Pennsylvania;
 Michael J. Stepien, McKees Rocks, Pennsylvania;
 Kika de la Garza, Mission, Texas;
 Arturo Vasquez, Corpus Christi, Texas;
 Alvino C. Campos, Corpus Christi, Texas;
 Gilbert L. Herrera, Corpus Christi, Texas;
 A. C. Tiepney, Cincinnati, Ohio;
 Leo Gildea, West Wyoming, Pennsylvania;
 Joseph F. Flynn, Omaha, Nebraska;
 John D. Koffin, Grand Rapids, Ohio;
 John J. Wallace, New York, New York;
 Lawrence M. Wolf, Cleveland, Ohio;
 Lawrence M. Wolf, Cleveland, Ohio;
 Bede Scully, Wassala, New York;
 Rufus Wicelinski, Martinsburg, West Virginia;
 Charles Hacherl, Toledo, Ohio;
 Joseph E. O'Brien, New York, New York;
 Aloysius S. Carney, Newark, New Jersey;
 Francis Gilliam, Washington, District of Columbia;
 Geoffrey O'Flynn, Washington, District of Columbia;
 John Joseph Saunders, Washington, District of Columbia;
 Edward S. J. Peters, Washington, District of Columbia;
 Stephen L. Burns, Burke, Virginia;
 Albert Virbeke, Arlington, Virginia;
 James J. Rau, Falls Church, Virginia;
 Richard Frakes, Fairfax, Virginia;
 Thomas Langer, La Crosse, Wisconsin;
 Rolland Belanger, Laconia, New Hampshire;

and their successors are hereby created and declared to be a body corporate by the name of the Catholic War Veterans of the United States of America (hereinafter referred to as the corporation) and by such name shall be known and have perpetual succession and the powers, limitations and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. The persons named in the first section of this Act are authorized, a majority concurring, to complete the organization of the corporation by the selection of officers and employees, the adoption of constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be to commemorate the wars and campaigns of the Armed Forces of the United States of America and to foster the association of veterans of the Catholic faith who have served in such wars and campaigns in the Armed Forces of the United States of America, and are as follows:

1. To cooperate to the fullest extent and in a harmonious manner with all veterans' organizations to the end that the best interests of all veterans of all wars in which the United States of America has participated, and the widows and orphans of deceased veterans of such wars, may be best served;
2. To stimulate communities and political subdivisions into taking more interest in veterans of wars and campaigns of the United States of America, the widows and orphans of such deceased veterans, and the problems of such veterans and their widows and orphans;
3. To collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to wars and campaigns of the United States of America;
4. To fight vigorously to uphold the Constitution and laws of the United States, as well as the individual States of the Union and to foster the spirit and practice of true Americanism;
5. To fight unceasingly for our national security in order to protect Americans from enemies within our borders, as well as those

from without, to the end that our American way of life be preserved;

6. To fight to the utmost all those alien forces, particularly forces such as communism, whose objectives are to deny our very existence as a free people; and

7. To do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

POWERS OF CORPORATION

- SEC. 4. The corporation shall have power—
1. to have succession by its corporate name;
 2. to sue and be sued, complain and defend in any court of competent jurisdiction;
 3. to adopt, use, alter a corporate seal;
 4. to choose such officers, managers, agents, and employees as the activities of the corporation may require;
 5. to adopt, amend, and alter a constitution and bylaws not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
 6. to contract and be contracted with;
 7. to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;
 8. to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property;
 9. to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws; and
 10. to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall be determined as the constitution and bylaws of the corporation may provide, but in no case shall eligibility for membership include persons who did not serve honorably in the Armed Forces of the United States during a war or campaign of the United States of America.

GOVERNMENT; COMPOSITION; FORMS; MEETING PLACES

SEC. 6. (a) The supreme governing authority of the corporation shall be the national convention thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws, each of such duly elected representatives to be entitled to one vote at such national convention. The form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of the control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national convention may be held in any State or territory or in the District of Columbia.

(b) Each member of the corporation, other than associate or honorary members, shall have the right to one vote on each matter submitted to a vote at all other meetings of the members of the corporation.

BOARD OF ADMINISTRATION; COMPOSITION

SEC. 7. (a) During the intervals between the national convention, the board of administration shall be the governing board of the corporation and shall be responsible for the general policies, programs, and activities of the corporation.

(b) Upon the enactment of this Act the membership of the initial board of administration of the corporation shall consist of such of the following present members of the board of administration of the Catholic War Veterans of the United States of America, Incorporated (the corporation described in section 3 of this Act) as qualify for membership under section 5 of this Act and who are qualified members of said board of administration, to wit:

Edward J. Higgins, Astoria, New York;
John J. Garry, Chicago, Illinois;
Edward F. McElroy, Chicago, Illinois;
Charles F. Shelley, Brooklyn, New York;
William W. Histon, Southington, Connecticut;

Walter D. Hyle, Junior, Baltimore, Maryland;

Gerald M. Collins, Middle Village, New York;

Joseph F. Reilly, New York, New York;
Cresenzi W. Castaldo, Bayonne, New Jersey;

William T. Dzurko, Glassport, Pennsylvania;

Mrs. Margaret E. Leafhill, East Orange, New Jersey;

Leo Courchesne, Manchester, New Hampshire;

Doctor Raymond Wargovich, McKeesport, Pennsylvania;

Frank J. Kozicki, Lancaster, Pennsylvania;
Henry J. Saindon, Manchester, New Hampshire;

Vincent A. Hanna, Havertown, Pennsylvania;

James Hamilton, Bronx, New York;
John Greenwood, Levittown, New York;

William Salamone, Milwaukee, Wisconsin;
John M. Dealy, Port Washington, New York;

Edward T. McCaffrey, Bronx, New York;
Nicholas J. Wagener, Detroit, Michigan;

Donald J. McQuade, Bakersfield, California;

Thomas J. Cuite, Brooklyn, New York;
William J. Gill, Connellsville, Pennsylvania;

Peter J. Hopkins, Yonkers, New York;
Robert T. O'Leary, Baltimore, Maryland;

James W. Fay, New York, New York;
Albert J. Schwind, Clifton, New Jersey;

A. C. Tiepney, Cincinnati, Ohio;
Leo Gildea, West Wyoming, Pennsylvania;

Joseph F. Flynn, Omaha, Nebraska;
John D. Koffin, Grand Rapids, Ohio;

John J. Wallace, New York, New York;
Lawrence M. Wolf, Cleveland, Ohio;

Bede Scully, Wassaic, New York;
Rufus Wicelinski, Martinsburg, West Virginia;

Charles Hacherl, Toledo, Ohio;
Joseph E. O'Brien, New York, New York;

Aloysius S. Carney, Newark, New Jersey.

(c) Thereafter, the board of administration of the corporation shall consist of not less than seven members elected in the manner and for the term prescribed in the constitution and bylaws of the corporation.

OFFICERS OF CORPORATION: SELECTION, TERMS, DUTIES

SEC. 8. The officers of the corporation shall be the founder, a national commander, three national vice commanders, a national adjutant, and adjutant general (which latter two offices may be held by one person), a national judge advocate, a national treasurer, a national officer of the day, a national historian and six national trustees, and such other officers as may be prescribed in the constitution and bylaws. The officers of the corporation shall be selected in such manner

and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

PRINCIPAL OFFICE: TERRITORIAL SCOPE OF ACTIVITIES

SEC. 9. (a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may be determined by the board of administration; but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the District of Columbia, and territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept services of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, will be deemed notice to or service upon the corporation.

DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS

SEC. 10. (a) No part of the income or assets of the corporation shall inure to any of the members or officers as such, or be distributed to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of administration of the corporation.

(b) The corporation shall not make loans to its officers or employees. Any member of the board of administration who votes for or assents to the making of a loan or advance to an officer or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 11. The corporation and its officers and agents as such shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 12. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national convention and board of administration. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS; REPORT TO CONGRESS

SEC. 15. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal

agents, and custodians shall be afforded to such person or persons.

(b) A report of such independent audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The report shall not be printed as a public document.

ACTIVITIES REPORT TO CONGRESS

SEC. 16. On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

EXCLUSIVE RIGHT TO NAME EMBLEMS, SEALS, AND BADGES

SEC. 17. The corporation and its subordinate divisions shall have the sole and exclusive right to use the name "Catholic War Veterans of the United States of America, Incorporated". The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as it may legally adopt, and such emblems, seals, and badges as have heretofore been used by the New York corporation described in section 18 of this Act and the right to which may be lawfully transferred to the corporation.

ACQUISITION OF ASSETS AND LIABILITIES OF EXISTING CORPORATION

SEC. 18. (a) The corporation may acquire the assets of the Catholic War Veterans of the United States of America, Incorporated, a corporation organized under the laws of the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

DISSOLUTION OR LIQUIDATION

SEC. 19. The national convention may, by resolution, declare the event upon which the corporate existence of the organization is to terminate and provide for the disposition of any property remaining to the corporation after the discharge or satisfaction of all outstanding obligations and liabilities. A duly authenticated copy of such resolution shall be filed in the office of the United States District Court for the District of Columbia. Upon the happening of the event thus declared, and upon the filing of a petition in said United States district court reciting said facts, said court shall take jurisdiction thereof, and upon due proof being made the court shall enter a decree which shall be effectual to vest title and ownership in accordance with the provisions of such resolution.

RESERVATION OF RIGHT TO AMEND OR REPEAL ACT

SEC. 20. The right to alter, amend, or repeal this Act is expressly reserved.

S. 1942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-named persons, to wit, Morris J. Mendelsohn, Brooklyn, New York; Abraham Kraditor, New York City, New York; Harry Schaffer, Pittsburgh, Pennsylvania; Frederick S. Harris, Meriden, Connecticut; Benjamin Kaufman, Trenton, New Jersey; Maxwell Cohen, Boston, Massachusetts; Milton H.

Richman, Bloomfield, Connecticut; Major General Julius Klein, Chicago, Illinois; Meyer Dorfman, St. Paul, Minnesota; Jackson J. Holtz, Boston, Massachusetts; Henry Albert, Jamaica, New York; Paul Ginsberg, Atlanta, Georgia; Harry T. Madison, Oak Park, Michigan; Joseph F. Barr, Washington, District of Columbia; Rubin Kaminsky, Hartford, Connecticut; William Karmen, Brookline, Massachusetts; Benjamin J. Chasin, New York, New York; Samuel Shalkowitz, Saint Louis, Missouri; Bernard Abrams, Jersey City, New Jersey; L. Feuer, Youngstown, Ohio; Theodore Brooks, Brooklyn, New York; Martin L. London, Teaneck, New Jersey; Daniel M. Heller, Miami, Florida; Morris Lurier, Worcester, Massachusetts; Freman Miller, Syracuse, New York; Samuel Michelson, Baltimore, Maryland; Alfred Schwartz, Atlanta, Georgia; Frederick R. Turkow, Fort Wayne, Indiana, and their associates and successors, are hereby created a body corporate by the name of "Jewish War Veterans of the United States of America" (hereinafter referred to as the "corporation").

Sec. 2. The persons named in section 1 of this Act, or their successors, are hereby authorized to meet to complete the organization of the corporation by the selection of officers, the adoption of a constitution and bylaws, and the doing of such other acts as may be necessary for such purpose.

Sec. 3. The objects and purposes of the corporation shall be—

(a) to maintain true allegiance to the United States of America;

(b) to foster and perpetuate true Americanism;

(c) to combat whatever tends to impair the efficiency and permanency of our free institutions;

(d) to uphold the fair name of the Jew and fight his battles wherever assailed;

(e) to encourage the doctrine of universal liberty, equal rights, and full justice to all men;

(f) to combat the powers of bigotry and darkness wherever originating and whatever their target;

(g) to preserve the spirit of comradeship by mutual helpfulness to comrades and their families;

(h) to instill love of country and flag and to promote soundness of mind and body in the members and children of members of the corporation;

(i) to preserve the memories and records of patriotic service performed by the men and women of the Jewish faith and to shield from neglect the graves of the heroic dead of the Jewish faith.

Sec. 4. Eligibility for membership in the corporation and the rights and privileges of members shall be determined according to the constitution and bylaws of the corporation.

Sec. 5. (a) The corporation shall be non-political and, as an organization, shall not promote the candidacy of any person seeking public office.

(b) The corporation shall have no power to issue capital stock or engage in business for pecuniary profit or gain.

Sec. 6. The corporation shall have perpetual succession and power—

(a) to sue and be sued;

(b) to take, hold, and dispose of such real and personal property as may be necessary for its corporate purposes;

(c) to accept gifts, legacies, and devises which will further the corporate purposes;

(d) to adopt and alter a corporate seal;

(e) to adopt and alter a constitution and bylaws not inconsistent with law;

(f) to establish and maintain offices for the conduct of the affairs of the corporation;

(g) to establish, regulate, and discontinue subordinate regional, departmental, and district subdivisions and local chapters or posts;

(h) to promote the formation of subordinate ladies' auxiliaries and youth organiza-

tions, the membership requirements of which shall be determined according to the constitution and bylaws of the corporation:

(i) to publish a magazine or other publications;

(j) to adopt emblems and badges; and

(k) to do any and all acts and things necessary and proper to carry into effect the purposes of the corporation.

Sec. 7. The corporation may acquire any or all of the assets of the existing organization known as Jewish War Veterans of the United States of America, or any auxiliary thereof, upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

Sec. 8. The corporation and its regional departmental, and district subdivisions and local chapters or posts shall have the sole and exclusive right to use in carrying out its purposes the name of "Jewish War Veterans of the United States of America".

Sec. 9. (a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may be determined by the corporation; but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the District of Columbia, and territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept services of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, will be deemed notice to or service upon the corporation.

Sec. 10. (a) No part of the income or assets of the corporation shall inure to any of its members or officers as such, or be distributed to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual, necessary expenses in amounts approved by the board of administration of the corporation.

(b) The corporation shall not make loans to its officers or employees. Any member of the corporation who votes for or assents to the making of a loan or advance to an officer or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

Sec. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

Sec. 12. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national convention and board of administration. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

Sec. 13. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such independent audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The report shall not be printed as a public document.

Sec. 14. On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

Sec. 15. The provisions of this Act shall take effect on the filing, in the office of the clerk of the United States District Court for the Southern District of New York, of affidavits signed by the incorporators named in section 1 of this Act, to the effect that the corporation known as the Jewish War Veterans of the United States of America has been dissolved in accordance with law, but only if such affidavits are filed within one hundred and twenty days after the date of enactment of this Act.

Sec. 16. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Mr. DIRKSEN. Mr. President, I move to reconsider the votes by which the bills were passed.

The PRESIDING OFFICER. S. 1914 and S. 1942 have been previously passed and the votes reconsidered.

The bills having been again passed, and the previous decision affirmed, a second motion to reconsider is, therefore, not in order.

EXCEPTIONS TO RULES OF NAVIGATION IN CERTAIN CASES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 547, H.R. 75.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 75) to provide for exceptions to the rules of navigation in certain cases.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, will the distinguished majority leader inform the Senate of the program for tomorrow and as far into this week or next week as he can see?

Mr. MANSFIELD. First, there will be no more votes this afternoon.

It is anticipated that following the passage of the bill which is about to be considered, the Senate will turn to the consideration of Calendar No. 546, S. 2100, which will be made the pending business.

Mr. DIRKSEN. I understand that the distinguished Senator from Vermont has some objection to having the Senate consider Calendar No. 546.

Mr. AIKEN. Mr. President, I do not find this bill on the calendar for today. It may be recalled that last week I

raised a question as to why it was impossible to get American ships to carry grain on the Great Lakes from Milwaukee and other points to Montreal. I should like to have an opportunity to look into that situation.

I have received a reply from one shipping company, intimating that it would like to carry grain; but I find they were asked to submit quotations but did not quote. There is some indication that some stalling may be taking place. I should like to examine into that situation, although I have no objection to the bill so far as it goes.

Mr. MANSFIELD. The question raised by the distinguished senior Senator from Vermont is perfectly valid. The leadership will be delighted to withhold action on that bill at this time.

INABILITY OF SENATORS TO VOTE ON VETERANS' BILLS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration—

Mr. GORE. Mr. President, before the Senator makes his motion, will he yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of Virginia. Mr. President, the bell in the room of the Committee on Finance did not ring. I do not know what can be done about it.

Mr. GORE. We have missed a ye-and-nay vote because the bell did not ring. We had no notice that a vote was taking place.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, if it is permissible, that the distinguished Senators, in view of circumstances over which they had no control, be allowed to cast their votes at this time. I understand that under unanimous consent almost anything can be done. This is one time when we will see if unanimous consent can be granted.

Mr. GORE. I doubt whether that can be done. Let the RECORD show that we were in the Committee on Finance, were not notified, and therefore were unable to vote.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the last sentence of rule XII, section 1, provides that "no motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent."

Mr. MANSFIELD. But, Mr. President, it is understood, is it not, that the absence from the Chamber at that time of the distinguished Senators from Virginia, Tennessee, and Nebraska was through no fault of their own, but was due to the fact that the bell in the Finance Committee room did not ring; and, therefore, even though they were able, willing, and eager to vote, it was not possible for them to come to the Chamber to cast their votes? They did come as soon as possible; but by that time the vote had been completed, and it was then too late to vote.

The PRESIDING OFFICER. The RECORD will so show.

Mr. CURTIS. Mr. President, I make the point of order that there cannot be a ye-and-nay vote without having the

bells rung; I think an examination of the rule will indicate that when a ye-and-nay vote is to be taken, the bells shall be rung. But we have the statement of the distinguished Senator from Virginia [Mr. BYRD] that no bell was rung in the Finance Committee room; and we have a like statement by the distinguished Senator from Tennessee [Mr. GORE]—that no bell was rung there. Therefore, any mistaken indication that a ye-and-nay vote was taken should be stricken from the RECORD. If the bells had been rung once and if, therefore, a lawful vote had been taken, I would have been present and would have voted for passage of the bill.

So, Mr. President, I ask for a ruling on my point of order—namely, that there can be no legal vote in the Senate without the ringing of the bells.

The PRESIDING OFFICER. The Chair's ruling is against the point of order as raised by the Senator from Nebraska. Nothing in the rules requires that any notice of a pending ye-and-nay vote be given.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. CURTIS. Does not the rule provide that the bells shall be rung when a ye-and-nay vote is to be taken?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that such a proposal may be in order if made before the Committee on Rules and Administration, but it is not in order at this time before the U.S. Senate.

Mr. CURTIS. Mr. President, a further parliamentary inquiry: Does not one of the rules of the Senate now provide that when a ye-and-nay vote is to be taken, the bells shall be rung once?

The PRESIDING OFFICER. The answer is in the negative, the Parliamentarian informs the Chair.

Mr. CURTIS. Then, Mr. President, why do the bells ring now and then? The Chair is propounding a very strange doctrine—namely, that there can be ye-and-nay votes without the giving of notice to the Members of the Senate.

The PRESIDING OFFICER. The Chair states that the bells are rung as a matter of the procedure devised by the Committee on Rules and Administration.

EXCEPTIONS TO RULES OF NAVIGATION IN CERTAIN CASES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 547, House bill 75, and that it be laid down and made the pending business.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H.R. 75) to provide for exceptions to the rules of navigation in certain cases was considered, ordered to a third reading, was read the third time, and passed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the

consideration of executive business, to consider the protocols and conventions on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

PROTOCOL TO AMEND CONVENTION ON INTERNATIONAL CIVIL AVIATION; CONVENTION ON EXTRADITION WITH SWEDEN; ADDITIONAL PROTOCOL TO THE TREATY OF EXTRADITION WITH BRAZIL; EXTRADITION CONVENTION WITH ISRAEL; CONSULAR CONVENTION WITH KOREA; CONSULAR CONVENTION WITH JAPAN

The Senate, as in Committee of the Whole, proceeded to consider the protocol, Executive D (88th Cong., 1st sess.), to amend the Convention on International Civil Aviation; the convention, Executive E (87th Cong., 2d sess.), on extradition with Sweden; the additional protocol, Executive F (87th Cong., 2d sess.), to the Treaty of Extradition with Brazil; the extradition convention, Executive E (88th Cong., 1st sess.), with Israel; the consular convention, Executive B (88th Cong., 1st sess.), with Korea; and the consular convention, Executive I, (88th Cong., 1st sess.), with Japan, which were read the second time, as follows:

EXECUTIVE D, 88TH CONGRESS, 1ST SESSION
PROTOCOL RELATING TO AN AMENDMENT TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, SIGNED AT ROME, ON SEPTEMBER 15, 1962

The Assembly of the International Civil Aviation Organization,

Having met in its Fourteenth Session, at Rome, on the twenty-first day of August, 1962,

Having noted that it is the general desire of contracting States that the minimum number of contracting States which may request the holding of an extraordinary meeting of the Assembly should be increased from the present figure of ten,

Having considered it proper to increase the said number to one-fifth of the total number of contracting States,

And having considered it necessary to amend for the purpose aforesaid the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,

Approved, on the fourteenth day of September of the year one thousand nine hundred and sixty-two, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

In Article 48(a) of the Convention, the second sentence be deleted and substituted by "An extraordinary meeting of the Assembly may be held at any time upon the call of the Council or at the request of not less than one-fifth of the total number of contracting States addressed to the Secretary General."

Specified, pursuant to the provisions of the said Article 94(a) of the said Convention, sixty-six as the number of contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

Resolved, that the Secretary General of the International Civil Aviation Organization draw up a protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the

proposed amendment above mentioned and the matter hereinafter appearing.

Consequently, pursuant to the aforesaid action of the Assembly.

This Protocol has been drawn up by the Secretary General of the Organization;

This Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation;

The instruments of ratification shall be deposited with the International Civil Aviation Organization;

This Protocol shall come into force in respect of the States which have ratified it on the date on which the sixty-sixth instrument of ratification is so deposited;

The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of this Protocol;

The Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which this Protocol comes into force;

With respect to any contracting State ratifying this Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

In faith whereof, the President and the Secretary General of the Fourteenth Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

Done at Rome on the fifteenth day of September of the year one thousand nine hundred and sixty-two in a single document in the English, French and Spanish languages, each of which shall be of equal authenticity. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization; and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties or signatories to the Convention on International Civil Aviation aforesaid.

R. M. MACDONNELL

Secretary General of the Assembly

E. ORTONA

President of the Assembly

Certified to be a true and complete copy.

P. K. ROY

(For Secretary General).

EXECUTIVE E, 87TH CONGRESS, 2D SESSION
CONVENTION ON EXTRADITION BETWEEN THE
UNITED STATES OF AMERICA AND SWEDEN

The United States of America and the Kingdom of Sweden desiring to make more effective the cooperation of the two countries in the repression of crime, have resolved to conclude a Convention on Extradition and for this purpose have appointed the following Plenipotentiaries: The President of the United States of America: Dean Rusk, Secretary of State of the United States of America, and His Majesty the King of Sweden: Gunnar Jarring, Ambassador Extraordinary and Plenipotentiary of Sweden to the United States of America who, having communicated to each other their respective full powers, found to be in good and due form, agree as follows:

Article I

Each Contracting State undertakes to surrender to the other, subject to the provisions and conditions laid down in this Convention, those persons found in its territory who have been charged with or convicted of any of the offenses specified in Article II of this Convention committed within the territorial jurisdiction of the other, or outside thereof under the conditions specified in Article IV of this Convention; provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the person sought shall be found, would justify his commitment for trial if the offense had been there committed.

Article II

Extradition shall be granted, subject to the provisions of this Convention, for the following offenses:

1. Murder, including infanticide; the killing of a human being when such act is punishable in the United States as voluntary manslaughter, and in Sweden as manslaughter.

2. Malicious wounding; mayhem; willful assault resulting in grievous bodily harm.

3. Kidnapping; abduction.

4. Rape; abortion; carnal knowledge of a girl under the age specified by law in such cases in both the requesting and requested State.

5. Procurement, defined as the procuring or transporting of a woman or girl under age, even with her consent, for immoral purposes, or of a woman or girl over age, by fraud, threats, or compulsion, for such purposes with a view in either case to gratifying the passions of another person; profiting from the prostitution of another.

6. Bigamy.

7. Robbery; burglary, defined to be the breaking into or entering either in day or night time, a house, office, or other building of a government, corporation, or private person, with intent to commit a felony therein.

8. Arson.

9. The malicious and unlawful damaging of railways, trains, vessels, aircraft, bridges, vehicles, and other means of travel or of public or private buildings, or other structures, when the act committed shall endanger human life.

10. Piracy; mutiny on board a vessel or an aircraft for the purpose of rebelling against the authority of the Captain or Commander of such vessel or aircraft; or by fraud or violence taking possession of such vessel or aircraft.

11. Blackmail or extortion.

12. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of Government, of public authorities, or of court of justice, or the utterance of the thing forged or falsified.

13. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, State, provincial or municipal governments, or of coupons thereof, or of banknotes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of State.

14. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or by threats of injury; receiving money, valuable securities or other property knowing the same to have been embezzled, stolen or fraudulently obtained.

15. Making use of the mails or other means of communication in connection with schemes devised or intended to deceive or defraud the public or for the purpose of obtaining money under false pretenses.

16. Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company.

17. Soliciting, receiving, or offering bribes.

18. Perjury; subornation of perjury.

19. Offenses against the laws for the suppression of slavery and slave trading.

20. Offenses against the bankruptcy laws.

21. Smuggling, defined to be the act of willfully and knowingly violating the customs laws with intent to defraud the revenue by international traffic in merchandise subject to duty.

22. Offenses against the laws relating to the traffic in, use of, or production or manufacture of, narcotic drugs or cannabis.

23. Offenses against the laws relating to the illicit manufacture of or traffic in poisonous chemicals or substances injurious to health.

24. The attempt to commit any of the above offenses when such attempt is made a separate offense by the laws of the Contracting States.

25. Participation in any of the above offenses.

Article III

1. The requested State, shall, subject to the provisions of this Convention, extradite a person charged with or convicted of any offense enumerated in Article II only when both of the following conditions exist:

(a) The law of the requesting State, in force when the offense was committed, provides a possible penalty of deprivation of liberty for a period of more than one year; and

(b) The law in force in the requested State generally provides a possible penalty of deprivation of liberty for a period of more than one year which would be applicable if the offense were committed in the territory of the requested State.

2. When the person sought has been sentenced in the requesting State, the punishment awarded must have been for a period of at least four months.

Article IV

1. Extradition need not be granted for an offense which has been committed within the territorial jurisdiction of the requested State, but if the offense has been committed in the requested State by an officer or employee of the requesting State, who is a national of the requesting State, the executive authority of the requested State shall, subject to its laws, have the power to surrender the person sought if, in its discretion, it be deemed proper to do so.

2. When the offense has been committed outside the territorial jurisdiction of the requesting State, the request for extradition need not be honored unless the laws of the requesting State and those of the requested State authorize prosecution of such offense under corresponding circumstances.

3. The words "territorial jurisdiction" as used in this Article and in Article I of this Convention mean: territory, including territorial waters, and the airspace thereover, belonging to or under the control of one of the Contracting States; and vessels and aircraft belonging to one of the Contracting States or to a citizen or corporation thereof when such vessel is on the high seas or such aircraft is over the high seas.

Article V

Extradition shall not be granted in any of the following circumstances:

1. When the person sought has already been or is at the time of the request being proceeded against in the requested State in accordance with the criminal laws of that State for the offense for which his extradition is requested.

2. When the legal proceedings or the enforcement of the penalty for the offense has become barred by limitation according to the laws of either the requesting State or the requested State.

3. When the person sought has been or will be tried in the requesting State by an extraordinary tribunal or court.

4. When the offense is purely military.

5. If the offense is regarded by the requesting State as a political offense or as an offense connected with a political offense.

6. If in the specific case it is found to be obviously incompatible with the requirements of humane treatment, because of, for example, the youth or health of the person sought, taking into account also the nature of the offense and the interests of the requesting State.

Article VI

When the person sought is being proceeded against in accordance with the criminal laws of the requested State or is serving a sentence in that State for an offense

other than that for which extradition has been requested, his surrender may be deferred until such proceedings have been terminated or he is entitled to be set at liberty.

Article VII

There is no obligation upon the requested State to grant the extradition of a person who is a national of the requested State, but the executive authority of the requested State shall, subject to the appropriate laws of that State, have the power to surrender a national of that State if, in its discretion, it be deemed proper to do so.

Article VIII

If the offense for which extradition is requested is punishable by death under the law of the requesting State and the law of the requested State does not permit this punishment, extradition may be refused unless the requesting State gives such assurance as the requested State considers sufficient that the death penalty will not be carried out.

Article IX

A person extradited by virtue of this Convention may not be tried or punished by the requesting State for any offense committed prior to his extradition, other than that which gave rise to the request, nor may he be re-extradited by the requesting State to a third country which claims him, unless the surrendering State so agrees or unless the person extradited, having been set at liberty within the requesting State, remains voluntarily in the requesting State for more than 45 days from the date on which he was released. Upon such release, he shall be informed of the consequences to which his stay in the territory of the requesting State might subject him.

Article X

To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall be surrendered.

Article XI

1. The request for extradition shall be made through the diplomatic channel and shall be supported by the following documents:

(a) In the case of a person who has been convicted of the offense: a duly certified or authenticated copy of the final sentence of the competent court. However, in exceptional cases, the requested State may request additional documentation.

(b) In the case of a person who is merely charged with the offense: a duly certified or authenticated copy of the warrant of arrest or other order of detention issued by the competent authorities of the requesting State, together with the depositions, record of investigation or other evidence upon which such warrant or order may have been issued and such other evidence or proof as may be deemed competent in the case.

2. The documents specified in this Article must include a precise statement of the criminal act with which the person sought is charged or of which he has been convicted, and the place and date of the commission of the criminal act. The said documents must be made accompanied by an authenticated copy of the texts of the applicable laws of the requesting State including the laws relating to the limitation of the legal proceedings or the enforcement of the penalty for the offense for which the extradition of the person is sought, and data or records which will prove the identity of the person sought as well as information as to his nationality and residence.

3. The documents in support of the request for extradition shall be accompanied by a duly certified translation thereof into the language of the requested State.

Article XII

1. The Contracting States may request, through the diplomatic channel, the provisional arrest of a person, provided that the offense for which he is sought is one for which extradition shall be granted under this Convention. The request shall contain:

(a) A statement of the offense with which the person sought is charged or of which he has been convicted;

(b) A description of the person sought for the purpose of identification;

(c) A statement of his whereabouts, if known; and

(d) A declaration that there exist and will be forthcoming the relevant documents required by Article XI of this Convention.

2. If, within a maximum period of 40 days from the date of the provisional arrest of the person in accordance with this Article, the requesting State does not present the formal request for his extradition, duly supported, the person detained will be set at liberty and a new request for his extradition will be accepted only when accompanied by the relevant documents required by Article XI of this Convention.

Article XIII

1. Expenses related to the transportation of the person extradited shall be paid by the requesting State. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the officers of the requesting State before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of fugitives under the terms of this Convention, shall be made by the requested State against the requesting State other than as specified in the second paragraph of this Article and other than for the lodging, maintenance, and board of the person being extradited prior to his surrender.

2. The legal officers, other officers of the requested State, and court stenographers in the requested State who shall, in the usual course of their duty, give assistance and who receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the requesting State the usual payment for such acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

Article XIV

1. Transit through the territory of one of the Contracting States of a person in the custody of an agent of the other Contracting State, and surrendered to the latter by a third State, and who is not of the nationality of the country of transit, shall, subject to the provisions of the second paragraph of this Article, be permitted, independently of any judicial formalities, when requested through diplomatic channels and accompanied by the presentation in original or in authenticated copy of the document by which the State of refuge has granted the extradition. In the United States of America, the authority of the Secretary of State of the United States of America shall be first obtained.

2. The permission provided for in this Article may nevertheless be refused if the criminal act which has given rise to the extradition does not constitute an offense enumerated in Article II of this Convention, or when grave reasons of public order are opposed to the transit.

Article XV

To the extent consistent with the stipulations of this Convention and with respect to matters not covered herein, extradition shall be governed by the laws and regulations of the requested State.

Article XVI

1. This Convention shall be ratified and the ratifications shall be exchanged at Stockholm as soon as possible.

2. This Convention shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting State giving notice of termination to the other Contracting State at any time, the termination to be effective six months after the date of such notice.

In witness whereof the respective Plenipotentiaries have signed this Convention and have affixed hereunto their seals.

DONE, in duplicate, in the English and Swedish languages, both versions being equally authentic, at Washington this twenty-fourth day of October 1961.

For the United States of America:

[SEAL] DEAN RUSK

For Sweden:

[SEAL] GUNNAR JARRING

Protocol

At the time of the signing of the Convention on Extradition this day concluded between the United States of America and Sweden, the undersigned Plenipotentiaries,

Considering that the Swedish Penal Code provides for two general types of penalties of deprivation of liberty, namely, simple imprisonment ("fängelse") and imprisonment with hard labor ("straffarbete"), and that Article IV of the Swedish Extradition Act of December 6, 1957, provides that no person may be extradited unless the crime for which extradition is requested corresponds to an offense for which a sentence of imprisonment with hard labor ("straffarbete") may be imposed according to Swedish law, and

Realizing that it is the intention of the Government of Sweden to present to the Riksdag a bill to amend the Swedish Penal Code so as to eliminate those two types of deprivation of liberty, replacing them with only one type, namely, imprisonment ("fängelse"), and, also, as a consequence thereof to amend accordingly Article IV of the Swedish Extradition Act,

Agree upon the following provisions respecting the application of paragraph 1 of Article III of the Convention:

1. In the event of a request by the United States for extradition from Sweden, the offense for which extradition is requested must be punishable,

a. under United States law, by a possible deprivation of liberty for a period of more than one year and,

b. under Swedish law, had the offense been committed in Sweden, by a possible imprisonment with hard labor ("straffarbete") for a period of more than one year.

2. In the event of a request by Sweden for extradition from the United States, the offense for which extradition is requested must be punishable,

a. under Swedish law, by a possible imprisonment with hard labor ("straffarbete") for a period of more than one year and,

b. under United States law, had the offense been committed in the United States, by a possible deprivation of liberty for a period of more than one year.

This protocol shall enter into force upon entry into force of the Convention, and shall be considered an integral part thereof, if the aforescribed amendments to the Swedish Penal Code and the Swedish Extradition Act shall not then have taken place and become effective.

This protocol shall terminate on the date upon which the aforescribed amendments of the Swedish Penal Code and the Swedish Extradition Act become effective. The Government of Sweden shall notify the Government of the United States in writing of such date.

In witness whereof the respective Plenipotentiaries have signed this protocol and have affixed hereunto their seals.

Done in duplicate, in the English and Swedish languages, both versions being equally authentic, at Washington this twenty-fourth day of October 1961.

For the United States of America:

[SEAL] DEAN RUSK

For Sweden:

[SEAL] GUNNAR JARRING

EXECUTIVE F, 87TH CONGRESS, 2D SESSION

ADDITIONAL PROTOCOL TO THE TREATY OF EXTRADITION OF JANUARY 13, 1961, BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF BRAZIL

The United States of America and the United States of Brazil,

Having concluded at Rio de Janeiro, on January 13, 1961, a Treaty of Extradition for the purpose of making more effective the co-operation between the two countries in the repression of crime,

And desiring to make clear that their respective nationals will be subject to extradition only if the constitutional and legal provisions in force in their territories permit it,

Have resolved to sign an Additional Protocol to the aforementioned Treaty of Extradition and, to this end, have appointed the following Plenipotentiaries:

The President of the United States of America: His Excellency Lincoln Gordon, Ambassador Extraordinary and Plenipotentiary to Brazil, and

The President of the Republic of the United States of Brazil: His Excellency Francisco Clementino de San Tiago Dantas, Minister of State for External Relations,

Who, having communicated to each other their respective full powers, found to be in good and due form, agree as follows:

Article I

Article VII of the Treaty of Extradition concluded between the two countries at Rio de Janeiro, on January 13, 1961, shall be interpreted as follows:

"The Contracting Parties are not obliged by this Treaty to grant extradition of their nationals. However, if the Constitution and laws of the requested State do not prohibit, its executive authority shall have the power to surrender a national if, in its discretion, it be deemed proper to do so."

Article II

The present Protocol shall enter into force on the same date as the Treaty of Extradition of January 13, 1961, and shall cease to be effective on the date of the termination of the Treaty.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present Additional Protocol and have fixed hereunto their seals.

DONE in duplicate, in the English and Portuguese languages, both equally authentic, at Rio de Janeiro, on this eighteenth day of June, one thousand nine hundred sixty-two.

LINCOLN GORDON.

SAN TIAGO DANTAS.

[SEAL]

EXECUTIVE E, 88TH CONGRESS, 1ST SESSION CONVENTION ON EXTRADITION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE STATE OF ISRAEL

The Government of the United States of America and the Government of the State of Israel, desiring to make more effective the co-operation of the two countries in the repression of crime, agree as follows:

Article I

Each Contracting Party agrees, under the conditions and circumstances established by the present Convention, reciprocally to deliver up persons found in its territory who have been charged with or convicted of any

of the offenses mentioned in Article II of the present Convention committed within the territorial jurisdiction of the other, or outside thereof under the conditions specified in Article III of the present Convention.

Article II

Persons shall be delivered up according to the provisions of the present Convention for prosecution when they have been charged with, or to undergo sentence when they have been convicted of, any of the following offenses:

1. Murder.
2. Manslaughter.
3. Malicious wounding; inflicting grievous bodily harm.
4. Rape.
5. Abortion.
6. Unlawful carnal knowledge of a girl under the age specified by the laws of both the requesting and requested Parties.
7. Prostitution.
8. Willful non-support or willful abandonment of a minor or other dependent person when the life of that minor or that dependent person is or is likely to be injured or endangered.
9. Kidnapping; abduction; false imprisonment.
10. Robbery.
11. Burglary; housebreaking.
12. Larceny.
13. Embezzlement.
14. Obtaining money, valuable securities or goods by false pretenses or by threats or force.
15. Bribery.
16. Extortion.
17. Receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained.
18. Fraud by a bailee, banker, agent, factor, trustee, executor, administrator or by a director or officer of any company.
19. Forgery, including forgery of banknotes, or uttering what is forged.
20. The forgery or false making of official documents or public records of the government or public authority or the uttering or fraudulent use of the same.
21. The making or the utterance, circulation or fraudulent use of counterfeit money or counterfeit seals, stamps, dies and marks of the government or public authority.
22. Knowingly and without lawful authority making or having in possession any instrument, tool, or machine adapted and intended for the counterfeiting of money, whether coin or paper.
23. Perjury; subornation of perjury.
24. Arson.
25. Any malicious act done with intent to endanger the safety of any persons travelling upon a railway.
26. Piracy, by the law of nations; mutiny on board a vessel for the purpose of rebelling against the authority of the Captain or Commander of such vessel; by fraud or violence taking possession of such vessel.
27. Malicious injury to property.
28. Smuggling.
29. False swearing.
30. Offenses against the bankruptcy laws.
31. Offenses against the laws relating to dangerous drugs.

Extradition shall be granted for any of the offenses numbered 27 through 31 only if the offense is punishable under the laws of both Parties by a term of imprisonment exceeding three years.

Extradition shall also be granted for attempts to commit or conspiracy to commit any of the offenses mentioned in this Article provided such attempts or such conspiracy are punishable under the laws of both Parties by a term of imprisonment exceeding three years.

Extradition shall also be granted for participation in any of the offenses mentioned in this Article.

Article III

When the offense has been committed outside the territorial jurisdiction of the requesting Party, extradition need not be granted unless the laws of the requested Party provide for the punishment of such an offense committed in similar circumstances.

The words "territorial jurisdiction" as used in this Article and in Article I of the present Convention mean: territory, including territorial waters, and the airspace thereover, belonging to or under the control of one of the Contracting Parties, and vessels and aircraft belonging to one of the Contracting Parties or to a citizen or corporation thereof when such vessel is on the high seas or such aircraft is over the high seas.

Article IV

A requested Party shall not decline to extradite a person sought because such person is a national of the requested Party.

Article V

Extradition shall be granted only if the evidence be found sufficient according to the laws of the place where the person sought shall be found, either to justify his commitment for trial if the offense of which he is accused had been committed in that place or to prove that he is the identical person convicted by the courts of the requesting Party.

Article VI

Extradition shall not be granted in any of the following circumstances:

1. When the person whose surrender is sought is being proceeded against, or has been tried and discharged or punished, in the territory of the requested Party for the offense for which his extradition is requested.
2. When the person whose surrender is sought has been tried and acquitted, or undergone his punishment, in a third State for the offense for which his extradition is requested.
3. When the prosecution or the enforcement of the penalty for the offense has become barred by lapse of time according to the laws of the requesting Party or would be barred by lapse of time according to the laws of the requested Party had the offense been committed in its territory.
4. When the offense is regarded by the requested Party as one of a political character or if the person sought proves that the request for his extradition has, in fact, been made with a view to trying or punishing him for an offense of a political character.

Article VII

When the offense for which the extradition is requested is punishable by death under the laws of the requesting Party and the laws of the requested Party do not permit such punishment for that offense, extradition may be refused unless the requesting Party provides such assurances as the requested Party considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

Article VIII

When the person whose extradition is requested is being proceeded against or is serving a sentence in the territory of the requested Party for an offense other than that for which extradition has been requested, his surrender may be deferred until the conclusion of the proceedings and the full execution of any punishment he may be or may have been awarded.

Article IX

The determination that extradition based upon the request therefor should or should not be granted shall be made in accordance with the domestic law of the requested Party and the person whose extradition is sought shall have the right to use such remedies and recourses as are provided by such law.

Article X

The request for extradition shall be made through the diplomatic channel.

The request shall be accompanied by a description of the person sought, a statement of the facts of the case, the text of the applicable laws of the requesting Party including the law prescribing the punishment for the offense as well as the law relating to the limitation of the legal proceedings or the enforcement of the penalty for the offense.

When the request relates to a person who has not yet been convicted, it must also be accompanied by a warrant of arrest issued by a judge or commissioner of the requesting Party and by such evidence as, according to the laws of the requested Party, would justify his arrest if the offense had been committed there.

When the request relates to a person already convicted, it must be accompanied by the judgment of conviction and sentence passed against him in the territory of the requesting Party and by a statement showing how much of the sentence has not been served.

The warrant of arrest and depositions or other evidence, given under oath, and the judicial documents establishing the existence of the conviction, or certified copies of these documents, shall be admitted in evidence in the examination of the request for extradition, when, in the case of a request emanating from Israel, they bear the signature or are accompanied by the attestation of a judge, magistrate or other official or are authenticated by the official seal of the Ministry of Justice and, in any case, are certified by the principal diplomatic or consular officer of the United States in Israel, or when, in the case of a request emanating from the United States, they are authenticated by the official seal of the Department of State.

The documents in support of the request for extradition shall be accompanied by a certified translation thereof into the language of the requested Party.

Article XI

In case of urgency a Contracting Party may apply for the provisional arrest of the person sought pending the presentation of the request for extradition through the diplomatic channel. The application shall contain a description of the person sought, an indication of intention to request the extradition of the person sought and a statement of the existence of a warrant of arrest or a judgment of conviction against that person, and such further information, if any, as would be necessary to justify the issue of a warrant of arrest had the offense been committed, or the person sought been convicted in the territory of the requested Party.

On receipt of such an application the requested Party shall take the necessary steps to secure the arrest of the person claimed.

A person arrested upon such an application shall be set at liberty upon the expiration of sixty days from the date of his arrest if a request for his extradition accompanied by the documents specified in Article X shall not have been received. However, this stipulation shall not prevent the institution of proceedings with a view to extraditing the person sought if the request is subsequently received.

Article XII

If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, which evidence or information shall be submitted to it within such time as that Party shall require.

If the person sought is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or if such evidence or information is not received within the period specified by the requested Party, he shall be discharged from custody. How-

ever, such discharge shall not bar the requesting Party from submitting another request in respect of the same offense.

Article XIII

A person extradited under the present Convention shall not be detained, tried or punished in the territory of the requesting Party for any offense other than that for which extradition has been granted nor be extradited by that Party to a third State unless:

1. He has left the territory of the requesting Party after his extradition and has voluntarily returned to it;

2. He has not left the territory of the requesting Party within 60 days after being free to do so; or

3. The requested Party has consented to his detention, trial, punishment or extradition to a third State for an offense other than that for which extradition was granted.

These stipulations shall not apply to offenses committed after the extradition.

Article XIV

A requested Party upon receiving two or more requests for the extradition of the same person either for the same offense, or for different offenses, shall determine to which of the requesting States it will extradite the person sought, taking into consideration the circumstances and particularly the possibility of a later extradition between the requesting States, the seriousness of each offense, the place where the offense was committed, the nationality of the person sought, the dates upon which the requests were received and the provisions of any extradition agreements between the requested Party and the other requesting State or States.

Article XV

The requested Party shall promptly communicate to the requesting Party through the diplomatic channel the decision on the request for extradition.

If extradition is granted, the person sought shall be conveyed by the authorities of the requested Party to the frontier or port of embarkation or airport in the territory of that Party which the diplomatic or consular agent of the requesting Party shall designate.

If a warrant or order for the extradition of a person sought has been issued by the competent authority and he is not removed from the territory of the requested Party within such time as may be prescribed by the laws of that Party, he may be set at liberty and the requested Party may subsequently refuse to extradite that person for the same offense.

Article XVI

To the extent permitted under the law of the requested Party and subject to the rights of third parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall, if found, be surrendered if extradition is granted.

Article XVII

The right to transport through the territory of one of the Contracting Parties a person surrendered to the other Contracting Party by a third State shall be granted on request made through the diplomatic channel accompanied by the documents referred to in Article X of the present Convention provided that conditions are present which would warrant extradition of such person by the State of transit and reasons of public order are not opposed to the transit.

The Party to which the person has been extradited shall reimburse the Party through whose territory such person is transported for any expenses incurred by the latter in connection with such transportation.

Article XVIII

Expenses related to the transportation of the person sought shall be paid by the re-

questing Party. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the officers of the requesting Party before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Convention, shall be made by the requested Party against the requesting Party other than as specified in the second paragraph of this Article and other than for the lodging, maintenance and board of the person sought.

The legal officers, other officers of the requested Party, and court stenographers, if any, of the requested Party who shall, in the usual course of their duty, give assistance and who receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the requesting Party the usual payment for such acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

Article XIX

This Convention shall be ratified and the ratifications shall be exchanged in Israel as soon as possible.

This Convention shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting Party giving notice of termination to the other Contracting Party at any time and the termination shall be effective six months after the date of receipt of such notice.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE in duplicate at Washington this tenth day of December, one thousand nine hundred sixty-two, corresponding to the thirteenth day of Kislev, five thousand seven hundred and twenty-three, in the English and Hebrew languages, both versions being equally authentic.

For the Government of the United States of America:

DEAN RUSK.

For the Government of the State of Israel:
AVRAHAM HARMAN.

EXECUTIVE B, 88TH CONGRESS, 1ST SESSION
CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA

The United States of America and the Republic of Korea,

Being desirous of regulating the consular affairs of each state in the territory of the other,

Have decided to conclude a Consular Convention and have appointed as their plenipotentiaries for this purpose:

The President of the United States of America: His Excellency Samuel D. Berger, Ambassador Extraordinary and Plenipotentiary, and

The Acting President of the Republic of Korea: His Excellency Choi Duk-Shin, Minister of Foreign Affairs,

Who, having communicated to each other their respective full powers, which were found in good and due form, have agreed as follows:

Article 1—Assignment

(1) Each High Contracting Party shall have the right to send to the other High Contracting Party consular representatives who, after having been recognized in a consular capacity, shall be provided, free of charge, with exequaturs or other authorization.

(2) The sending state shall have the right, subject to the procedures established by paragraph (1) of this Article, to assign one or

more members of its diplomatic mission accredited to the receiving state to the performance of consular functions. Such persons shall be entitled to the benefits, and be subject to the obligations, of this Convention, without prejudice to any additional privileges to which they may be entitled by virtue of being members of the diplomatic mission of the sending state.

(3) The location of the consular offices and the limits of the consular districts will be determined by agreement between the receiving state and the sending state.

Article 2—Lands and Buildings

(1) The sending state shall have the right, in the territory of the receiving state, to acquire, own, lease for any period of time, or otherwise hold and occupy such lands, buildings, and appurtenances as may be necessary and appropriate for governmental purposes, including residences for personnel attached to diplomatic and consular establishments.

(2) The sending state shall have the right to erect buildings and appurtenances on land which it owns or leases in accordance with paragraph (1) of this Article, subject to compliance with local building, zoning, or town planning regulations applicable to all land in the area in which such land is situated.

Article 3—Inviolability of Offices and Archives

(1) The archives of a consular office shall be inviolable. Offices used exclusively for consular purposes shall not be entered by the police or other authorities without the consent of the consular officer, except that, in the case of fire or other disaster, or if the authorities have probable cause to believe that a crime of violence has been or is about to be committed in the consular office, consent to entry shall be presumed. In no case shall they examine or seize the papers there deposited.

(2) The national flag of the sending state and its consular flag may be flown at the consular office and at the residence of the consular officer in charge of such office, or on any vehicle, vessel, or aircraft used by him in the performance of his official duties. In times of emergency such flags may be flown at the residence and on the vehicle, vessel, or aircraft of any consular officer of the sending state. The sending state may affix to the buildings in which its consular offices are located signs bearing its coat-of-arms and the designation of the office.

Article 4—Notarial services and miscellaneous functions

A consular officer shall be permitted within his consular district:

(a) to issue and amend visas and passports and to issue such notices to, and receive such declarations from, a national of the sending state as may be required under the laws of the sending state;

(b) to prepare, attest, receive the acknowledgments of, certify, authenticate, legalize, and, in general, take such action as may be necessary to perfect or to validate any act, document, or instrument of a legal character, as well as copies thereof, including commercial documents, declarations, registrations, testamentary dispositions, and contracts, whenever such services are required by a national of the sending state for use outside the territory of the receiving state or by any person for use in the territory of the sending state;

(c) to take evidence, on behalf of the courts of the sending state, voluntarily given by any person in the receiving state, and administer oaths to such persons, in accordance with the law of the sending state;

(d) to obtain copies of or extracts from documents of public registry;

(e) to inquire of local authorities on behalf of a national of the sending state into

matters concerning his person, holdings, or interests, including shares in estates, pension rights, insurance or workmen's compensation benefits, and the like;

(f) to further the commercial, artistic, scientific, professional, cultural, and educational interests of the sending state.

Article 5—Protection of nationals

(1) A consular officer shall have the right within his district to interview, communicate with, assist, and advise any national of the sending state and, where necessary, arrange for legal assistance for him, provided such national so requests, or comes voluntarily to the consular office, or does not object to inquiry from or visit by the consular officer. The receiving state shall in no way restrict the access of any national of the sending state to its consular establishments.

(2) The appropriate authorities of the receiving state shall, at the request of any national of the sending state who is under arrest or otherwise detained in custody, immediately inform a consular officer of the sending state, who shall be accorded full opportunity to visit and communicate with such a national in order to safeguard his interests.

(3) A consular officer of the sending state shall have the right to visit and communicate with, subject to prison regulations, a national of the sending state who is serving a sentence of imprisonment.

(4) For the purposes of the provisions of paragraphs (1) and (2) of this Article, the phrase "national of the sending state" shall be deemed to apply also to any person employed on a vessel or aircraft of the sending state, who is not a national of the receiving state.

Article 6—Estates

(1) In the case of the death of a national of the sending state in the territory of the receiving state, without leaving in the territory of his decease any known heir or testamentary executor, the appropriate local authorities of the receiving state shall as promptly as possible inform a consular officer of the sending state.

(2) A consular officer of the sending state may, within the discretion of the appropriate judicial authorities and if permissible under then existing applicable local law in the receiving state:

(a) take provisional custody of the personal property left by a deceased national of the sending state, provided that the decedent shall have left in the receiving state no heir or testamentary executor appointed by the decedent to take care of his personal estate; provided that such provisional custody shall be relinquished to a duly appointed administrator;

(b) administer the estate of a deceased national of the sending state who is not a resident of the receiving state at the time of his death, who leaves no testamentary executor, and who leaves in the receiving state no heir, provided that if authorized to administer the estate, the consular officer shall relinquish such administration upon the appointment of another administrator;

(c) represent the interests of a national of the sending state in an estate in the receiving state, provided that such national is not a resident of the receiving state, unless or until such national is otherwise represented; provided, however, that nothing herein shall authorize a consular officer to act as an attorney at law.

(3) Unless prohibited by law, a consular officer may, within the discretion of the court, agency, or person making distribution, receive for transmission to a national of the sending state who is not a resident of the receiving state any money or property to which such national is entitled as a consequence of the death of another person, including shares in an estate, payments made pursuant to workmen's compensation laws, pension and social benefits systems in gen-

eral, and proceeds of insurance policies. The court, agency, or person making distribution may require that a consular officer comply with conditions laid down with regard to (a) presenting a power of attorney or other authorization from such non-resident national, (b) furnishing reasonable evidence of the receipt of such money or property by such national, and (c) returning the money or property in the event he is unable to furnish such evidence.

(4) Whenever a consular officer shall perform the functions referred to in paragraphs (2) and (3) of this Article, he shall be subject, with respect to the exercise of such functions, to the laws of the receiving state and to the jurisdiction of the judicial and administrative authorities of the receiving state in the same manner and to the same extent as a national of the receiving state.

Article 7—Shipping and aviation

(1) A consular officer may take measures to enforce the shipping laws of the sending state and for this purpose may visit vessels and be visited by the masters and crews of vessels of the sending state. A consular officer may also visit vessels of any registry destined to a port of the sending state to execute documents or to obtain information required by the sending state.

(2) Without prejudice to the superior right of the administrative and judicial authorities of the receiving state to take cognizance of crimes or offenses which disturb the peace of the port or to enforce the laws of the receiving state applicable to vessels of any state within its waters, a consular officer may exercise jurisdiction pursuant to the law of the sending state over controversies, including wage and contract disputes, aboard vessels of the sending state which are in the waters of the receiving state, and may conduct investigations and convene boards of inquiry. A consular officer may request the assistance of competent authorities of the receiving state in performance of such duties. The peace of the port may be considered to be disturbed when an offense is committed aboard a vessel within the waters of the receiving state which constitutes a serious crime according to its laws.

(3) In any case where the authorities of the receiving state arrest or otherwise detain in custody any person who is not a national of the receiving state and who is aboard or who is an officer or crew member of a vessel under the flag of the sending state, or seize any property aboard such a vessel, the competent authorities of the receiving state shall inform a consular officer of the sending state thereof and shall accord the consular officer full opportunity to visit and communicate with such person and to take appropriate measures to safeguard the interests of such person or such vessel.

(4) If a vessel of the sending state is wrecked in waters of the receiving state, the appropriate authorities of the receiving state shall inform the consular officer and shall take all practicable measures for the preservation and protection of the vessel, persons, and property on board. If the owner, or anyone he has authorized to act for him, is unable to make necessary arrangements in connection with the vessel or its cargo, the consular officer may make arrangements on his behalf. The consular officer may under similar circumstances make appropriate arrangements in connection with cargo owned by nationals of the sending state and found or brought into port from a wrecked vessel of other registry, except a vessel of the receiving state. No customs duties shall be levied against a wrecked vessel of the sending state, or its cargo or stores unless they are delivered for use in the receiving state.

(5) The term "vessel," as used herein, means all types of vessels, whether privately owned or operated, or publicly owned or operated; but this term does not, except with

reference to paragraph (4) of this Article, include vessels of war. For the purposes of this Article, the term "vessel" shall be deemed to include aircraft, the term "shipping laws" shall be construed, as applied to aircraft, to refer to aviation laws, and the term "waters" shall be construed, as applied to aircraft, to refer to territory of the receiving state.

Article 8—Additional functions

In addition to the functions specified in this Convention, a consular officer shall be permitted to perform such other consular and related functions as are recognized by the receiving state as being appropriate to his office.

Article 9—Right of communication

(1) A consular officer shall have the right to communicate with his government or with the diplomatic mission and consular offices of the sending state in the receiving state or with other diplomatic missions and consular offices of the sending state, making use of all public means of communication. In addition, a consular officer shall have the right to send and receive official correspondence, by courier or by means of sealed official pouches and other official containers, or by public communications facilities, either in clear or secret language.

(2) The official correspondence referred to in this Article shall be inviolable and the authorities of the receiving state shall not examine or detain it. Sealed official pouches and other official containers shall be inviolable when they are certified by a responsible officer of the sending state as containing only official correspondence.

(3) Even in the event the receiving state should be engaged in armed conflict, it will not restrict the right of communication between the consular officer and his government and between the consular officer and the diplomatic mission of the sending state in the receiving state.

Article 10—Immunities

(1) A consular officer or employee shall not, except with the consent of the sending state, be subject to the jurisdiction of the courts of the receiving state in respect of acts performed by him within the scope of his official duties, other than as provided in Article 6(4).

(2) A consular officer or employee shall have the right to refuse a request from the administrative or judicial authorities of the receiving state to produce any documents from the consular archives or to give evidence relating to matters falling within the scope of his official duties. Such a request, however, as well as requests for testimony, shall be complied with in the interests of justice if it is possible to do so without prejudicing the interests of the sending state. The administrative or judicial authorities requiring testimony shall take all reasonable steps to avoid interference with the performance of official duties and, wherever possible or permissible, arrange for the taking of such testimony, orally or in writing, at the residence or office of the consular officer or employee.

(3) A consular officer or employee shall, except as provided in Article 15, be exempt from arrest or prosecution in the receiving state except when charged with the commission of a crime which, upon conviction, might subject the individual guilty thereof to a sentence of imprisonment for a period of more than one year. The exemption set forth in this paragraph may be waived by the sending state. Furthermore, even in cases where such officers and employees are exempt from arrest or prosecution they nonetheless should observe local laws and regulations, including traffic regulations.

(4) A consular officer or employee and his wife, minor children, and other dependents residing with him, shall, except as provided

in Article 15, enjoy exemption in the receiving state from service in the armed forces, jury duty, or any other type of compulsory service, and from any contribution in lieu thereof.

(5) A consular officer or employee and his wife, minor children, and other dependents residing with him, shall, except as provided in Article 15, be exempt in the receiving state from any requirements with regard to the registration of aliens, the obtaining of permission to reside, and similar regulations applicable generally to aliens.

Article 11—Customs privileges

(1) The sending state shall have the right to import into the receiving state, free from customs duties and internal revenue or other taxes imposed upon or by reason of importation, material and equipment for the construction, alteration, repair, maintenance, and operation of buildings and appurtenances erected in accordance with paragraph (2) of Article 2, or otherwise held or occupied in accordance with paragraph (1) of Article 2.

(2) All articles, including vehicles, vessels, and aircraft, required exclusively for the performance of official governmental functions or for the construction, maintenance, and operation of property held by the sending state in accordance with Article 2, paragraphs (1) and (2), shall be exempt within the territories of the receiving state from all customs duties and internal revenue or other taxes imposed upon or by reason of importation.

(3) The baggage, effects, and other articles, including vehicles, vessels, and aircraft, imported exclusively for the personal use of a consular officer or employee, his wife, minor children, and other dependents residing with them, shall, except as provided in Article 15, be exempt from all customs duties and internal revenue or other taxes imposed upon or by reason of importation. Such exemptions shall be granted with respect to the property accompanying the person entitled thereto on first arrival and on subsequent arrivals, and to that consigned to such officers and employees during the period in which they continue in status.

(4) It is understood, however, that: (a) paragraph (3) of this Article shall apply as to consular officers and employees only when their names have been communicated to the appropriate authorities of the receiving state and they have been duly recognized in their official capacity; (b) in the case of consignments, the receiving state may, as a condition to the granting of exemption, require that a notification of any such consignment be given in a prescribed manner; and (c) nothing herein authorizes importations specifically prohibited by law.

Article 12—Tax privileges

(1) Lands and buildings situated in the territory of the receiving state, of which the sending state is the legal or equitable owner and which are used for the purposes specified in paragraph (1) of Article 2, shall be exempt from taxation of every kind, national, state, provincial, and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

(2) The sending state shall, with respect to all matters relating to the performance of consular functions or to the construction, maintenance, and operation of property held in accordance with Article 2, paragraphs (1) and (2), be exempt from the payment of all taxes and similar charges of any kind imposed by the receiving state or any local subdivision thereof for the payment of which the sending state would otherwise be legally liable, including taxes and similar charges payable in connection with the acquisition or rendition of services and the ownership, acquisition, operation, possession, or sale of

immovable and movable property, including vehicles, vessels, and aircraft.

(3) A consular officer or employee who is not a national of the receiving state and who does not have the status in the receiving state of an alien lawfully admitted for permanent residence shall be exempt from the payment of all taxes or similar charges of any kind imposed by the receiving state or any local subdivision thereof on the official emoluments, salaries, wages, or allowances received by such officer or employee from the sending state.

(4) A consular officer or employee shall, except as provided in paragraph (5) of this Article and Article 15, be exempt from the payment of all taxes or similar charges of any kind imposed by the receiving state or any local subdivision thereof for the payment of which the officer or employee would otherwise be legally liable.

(5) The exemption provided for in the preceding paragraph shall not apply with respect to taxes or similar charges upon:

(a) the acquisition, ownership, or occupation of immovable property situated in the receiving state;

(b) income received from sources within the receiving state other than income described in paragraph (3);

(c) the passing at death of property in the receiving state; and

(d) the transfer by gift of property in the receiving state.

(6) Notwithstanding the provisions of paragraph (5)(c) of this Article, the movable property belonging to the estate of a deceased consular officer or employee and used by him in the performance of his official duties shall, except as provided by Article 15, be exempt from all estate, inheritance, succession, or similar taxes imposed by the receiving state or any local subdivision thereof. Any part of the estate of a deceased consular officer or employee which does not exceed in value two times the amount of all official emoluments, salaries, and allowances received by such consular officer or employee for the year immediately preceding his death shall be deemed conclusively to constitute property used by him in the performance of his official duties.

Article 13—Insurance

All vehicles, including automobiles, vessels, and aircraft, owned by the sending state and used for consular purposes, and all vehicles, vessels, and aircraft owned by a consular officer or employee of the sending state or his wife, minor children, and other dependents, shall be adequately insured against third party risks; provided that this Article shall not apply to any person who is a national of the receiving state or has the status in the receiving state of an alien lawfully admitted for permanent residence.

Article 14—Diplomatic officers and employees

The provisions of Articles 11, 12, and 13 shall have like application to diplomatic officers and employees, without prejudice to such rights and benefits as they may have under international law.

Article 15—Limitations

The privileges and immunities conferred by Article 10 (3), (4), and (5), Article 11(3), and Article 12 (4) and (6) shall not be accorded to a consular officer or employee, or his wife, minor children, and other dependents, if such officer or employee is a national of the receiving state, or has the status in the receiving state of an alien lawfully admitted for permanent residence, or is engaged in any private occupation for gain in the receiving state, or is other than a full-time officer or employee of the sending state.

Article 16—Settlement of disputes

Any dispute concerning the interpretation or application of the present Convention which is not settled by negotiation may be referred, at the option of either party, to the

International Court of Justice for decision, provided (1) that matters falling within the discretion of either party under the Convention shall not be subject to the Court's jurisdiction, and (2) that neither party may refer a dispute to the Court until it has exhausted its legal remedies in the territory of the other Party, in the same manner as would a private person claiming rights, exemptions, and immunities under local laws and regulations.

Article 17—Territorial application

The territories to which the provisions of this Convention shall apply shall be understood to comprise all areas of land and water subject to the sovereignty or authority of the High Contracting Parties, except the Panama Canal Zone.

Article 18—Entry into force

1. The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Washington as soon as possible.

2. The present Convention shall enter into force on the thirtieth day following the day of exchange of ratifications. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

3. Either High Contracting Party may, by giving one-year's written notice to the other High Contracting Party, terminate the present Convention at the end of the initial ten-year period or at any time thereafter.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention and have affixed hereunto their seals.

DONE in duplicate, in the English and Korean languages, at Seoul this 8th day of January, 1963.

For the United States of America:

[SEAL] SAMUEL D. BERGER.

For the Republic of Korea:

[SEAL] CHOI DUK-SHIN.

EXECUTIVE I, 88TH CONGRESS, 1ST SESSION CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND JAPAN

The United States of America and Japan, being desirous of regulating the consular affairs of one country in the territories of the other, have decided to conclude a Consular Convention and have appointed as their Plenipotentiaries for this purpose:

The United States of America:

Edwin O. Reischauer, Ambassador Extraordinary and Plenipotentiary, and Japan:

Masayoshi Ohira, Minister for Foreign Affairs who, having communicated to each other their respective full powers, which were found in good and due form, have agreed as follows:

Part I. Application and definitions

Article 1

The territories of the High Contracting Parties to which the provisions of this Convention apply shall be understood to comprise all areas of land and water subject to the sovereignty or authority of either High Contracting Party, except the Panama Canal Zone.

Article 2

For the purpose of this Convention:

(1) The term "sending state" means the High Contracting Party by which a consular officer is appointed;

(2) The term "receiving state" means the High Contracting Party within whose territories a consular officer of the sending state exercises his functions;

(3) The term "nationals" means

(a) in relation to the United States of America, all citizens of the United States and all persons under the protection of the United States, including, where the context permits, all juridical entities duly created in or under the laws of any of the territories of

the United States to which the Convention applies;

(b) in relation to Japan, all persons possessing the nationality of Japan, including, where the context permits, all juridical entities duly created under the laws of Japan;

(4) The term "person" shall be deemed to include any individual or juridical entity;

(5) The term "vessel", unless otherwise specified, means any ship or craft documented under the laws of any of the territories of the sending state to which the Convention applies;

(6) The term "consular office" shall, when used to describe or identify physical property, be deemed to refer to the premises used by the sending state for the conduct of official consular business;

(7) The term "consular establishment" shall be deemed to include all immovable property used or held by the sending state for a consular office, for residences for one or more consular officers or employees or for related purposes, all movable property required to furnish, equip and operate such immovable property and, in general, all property needed for the effective performance of consular functions, including vehicles, vessels and aircraft;

(8) The term "consular officer" means any individual authorized by the sending state to exercise consular functions who is granted an exequatur or provisional or other authorization by the appropriate authorities of the receiving state;

(9) The term "consular employee" means any individual, other than a consular officer, who performs administrative or technical work or belongs to the service staff of a consular office provided that his name has been duly communicated to the appropriate authorities of the receiving state in accordance with the provisions of paragraph (2) of Article 6;

(10) The term "archives" shall be deemed to include official correspondence, documents, papers, books, records, cash, stamps, seals, filing cabinets, safes and other similar items held or used for official purposes;

(11) The term "local subdivision" shall be deemed to refer to any political or administrative subdivision of one of the High Contracting Parties, including, by way of example and not by way of limitation, any state, prefecture, county or municipality;

(12) The term "authorities of the receiving state" shall be deemed to include the authorities of the receiving state and of any local subdivision thereof;

(13) The term "laws" shall be deemed to include the laws, decrees, regulations, ordinances and similar measures having the force of law in the territories of either High Contracting Party or in any local subdivision thereof.

Part II. Appointments and districts

Article 3

(1) The sending state may establish and maintain consular offices in the territories of the receiving state at any place where the receiving state agrees to the establishment thereof.

(2) The sending state may, subject to the right of the receiving state to object thereto, prescribe the limits of its consular districts in the receiving state and shall keep the receiving state informed of such limits.

(3) A consular officer may, upon notification to and in the absence of objections from the receiving state, perform consular functions outside his consular district.

Article 4

(1) The sending state may assign or appoint consular officers of such number and rank as it may deem necessary to any of its consular offices in the receiving state. The sending state shall notify the receiving state in writing of the assignment or appointment

of a consular officer to a consular office in the receiving state.

(2) The receiving state shall, on presentation of the officer's commission or other notification of assignment or appointment, grant as soon as possible and free of charge such consular officer an exequatur or other authorization to perform consular functions. The receiving state shall, when necessary, pending the grant of an exequatur or other authorization, grant the consular officer a provisional authorization.

(3) The receiving state may not refuse to grant an exequatur or other authorization without good cause.

(4) The receiving state shall not, except as otherwise specifically provided in this Convention, be deemed to have consented to having a consular officer acting as such or to have extended to him the benefits of this Convention prior to the grant of an exequatur or other authorization, including provisional authorization.

Article 5

(1) The receiving state shall, upon request, inform without delay its appropriate authorities of the name of any consular officer entitled to act under this Convention.

(2) As an official agent of the sending state, a consular officer shall be entitled to special protection and to the high consideration of all officials of the receiving state with whom he has official intercourse.

(3) The receiving state may revoke the exequatur or other authorization of a consular officer whose conduct has given serious cause for complaint. The reason for such revocation shall, upon request, be furnished to the sending state through diplomatic channels.

Article 6

(1) A consular officer or employee may be assigned temporarily in an acting capacity to perform duties of a consular officer who has died or is unable to act through illness, absence or other cause. Pending the return of the former officer, the assignment of a new officer or the confirmation of the acting officer, such acting officer may perform the duties and enjoy the benefits of the provisions of this Convention upon notification to the Government of the receiving state.

(2) The sending state shall be free to employ the necessary number of consular employees at its consular offices, but the appropriate authorities of the receiving state shall be informed of the name and address of each employee. It will be for the Government of the receiving state to designate the particular authority to whom this information is to be given.

(3) The sending state may, with the permission of the receiving state, and in accordance with the provisions of Article 4, assign one or more members of its diplomatic mission accredited to the receiving state to the performance of consular functions. Such members shall be entitled to the benefits, and be subject to the obligations, of this Convention, without prejudice to any additional personal privileges to which they may be entitled by virtue of being members of the diplomatic mission of the sending state.

(4) The receiving state may refuse to accept a size of the consular staff exceeding what is reasonable and normal having regard to circumstances and conditions in the consular district, and to the needs of the particular consular office.

Part III. Legal rights and immunities

Article 7

(1) The sending state may acquire under such form of tenure as it may choose, whether on lease, in full ownership, or under such other form of tenure as may exist under the laws of the receiving state, and may thus hold and occupy, either in its own name or in the name of one or more persons acting

on behalf of the sending state, land, buildings, parts of buildings, and appurtenances located in the receiving state and required by the sending state for the purposes of a consular office, or of a residence for a consular officer or employee, or for other purposes to which the receiving state does not object, arising out of the operation of a consular establishment of the sending state. If, under the laws of the receiving state, the permission of the authorities of the receiving state must be obtained as a prerequisite to any such acquisition, such permission shall be granted on request.

(2) The sending state shall have the right to erect, as part of its consular establishments, buildings and appurtenances on land which it so owns or holds on lease.

(3) It is understood that the sending state shall not be exempt from compliance with any local building, zoning or town planning regulations applicable to all land in the area in which such land is situated.

(4) The phrase "one or more persons acting on behalf of the sending state" shall, within the meaning of Articles 7 and 12, be deemed to refer to any person or persons holding property in a trust or similar capacity for the benefit of the sending state.

Article 8

(1) The consular officer in charge may place, outside the consular office, the coat-of-arms or national device of the sending state and an appropriate inscription in the official language of the sending state designating such office.

(2) The consular officer in charge may fly the flag of the sending state and the consular flag at the consular office. Any consular officer may also place the coat-of-arms or national device and fly the flag of the sending state and its consular flag on the vehicles, vessels and aircraft which he employs in the exercise of his duties. Such flags may also be flown on suitable occasions at the residence of the consular officer in charge and in times of emergency at the residence of any consular officer.

(3) (a) The archives of the consular office shall be kept in a place entirely separate from the place where the private or business papers of consular officers and employees are kept. This provision does not require the separation of diplomatic from consular archives when a consular office forms part of the diplomatic mission.

(b) The archives, kept in a consular office of the sending state, shall at all times be inviolable, and the authorities of the receiving state may not, under any pretext, examine or detain them.

(4) A consular office shall not be entered by the police or other authorities of the receiving state, except with the consent of the responsible consular officer or, if such consent cannot be obtained, pursuant to appropriate writ or process and with the consent of the Secretary of State when the United States of America is the receiving state or the Minister for Foreign Affairs when Japan is the receiving state. The consent of the responsible consular officer shall be presumed in the event of fire or other disaster or in the event that the authorities of the receiving state have probable cause to believe that a crime involving violence to persons or property has been, or is being, or is about to be committed in the consular office.

(5) A consular office shall not be used to afford asylum to fugitives from justice. If a consular officer refuses to surrender a fugitive from justice on the lawful demand of the authorities of the receiving state, such authorities may, in accordance with the procedures established by paragraph (4) of this Article, enter the consular office to apprehend the fugitive.

(6) Any entry into a search of a consular office pursuant to paragraphs (4) and (5) of

this Article, shall be conducted with due regard to the inviolability of the consular archives.

Article 9

(1) The sending state shall enjoy an exemption from all military requisition, contributions or billeting with respect to property forming part of its consular establishments in the receiving state, including all vehicles, vessels and aircraft. Immovable property may, however, be seized or taken for purposes of national defense or public utility in accordance with the laws of the receiving state.

(2) A consular officer or employee shall enjoy an exemption from all military requisition, contributions or billeting with respect to the private residence and the furniture and other household articles and all vehicles, vessels and aircraft held or possessed by him. Such private residence may, however, be seized or taken for purposes of national defense or public utility in accordance with the laws of the receiving state.

(3) In any of the cases referred to in paragraphs (1) and (2) of this Article, every effort shall be made to avoid interference with the performance of consular functions.

(4) The sending state or the consular officer or employee shall receive due compensation for all such property seized or taken. Compensation shall be payable in a form readily convertible into the currency of and transferable to the sending state, not later than three months from the date on which the amount of compensation has been finally fixed.

Article 10

(1) A consular officer may be in communication with his Government or with the diplomatic mission and consular offices of the sending state in the receiving state or with other diplomatic missions and consular offices of the sending state, making use of all public means of communication. This includes the right to make use of secret language. In addition, a consular officer may send and receive official documents, either in clear or secret language, by courier or by means of sealed official pouches and other official containers. In sending or receiving consular pouches through postal channels, a consular officer shall be subject to the postal laws of the receiving state, provided that the provisions of this paragraph shall not be affected thereby.

(2) The official documents referred to in this Article shall be inviolable and the authorities of the receiving state shall not examine or detain them. Sealed official pouches and other official containers shall be inviolable when they are certified by a responsible officer of the sending state as containing only official documents.

(3) During such time as the receiving state is engaged in armed conflict, the right of communication, other than that relating to communications between the consular officer and his Government and between the consular officer and the diplomatic mission of the sending state in the receiving state, may be subject to reasonable restriction by the receiving state.

Article 11

(1) (a) A consular officer or employee shall not, except with the consent of the sending state notified to the receiving state in writing through diplomatic channels, be subject to the jurisdiction of the courts of the receiving state in respect of acts performed in his official capacity, falling within the functions of a consular officer under this Convention. However, the courts of the receiving state shall not be precluded from exercising jurisdiction over a consular employee who is a national of the receiving state in respect of acts committed through willful misconduct or gross negligence.

(b) A consular officer shall be exempt from arrest or prosecution in the receiving state except when charged with the commission of a crime which, upon conviction, might subject the individual guilty thereof to a sentence of imprisonment for a period of one year or more.

(2) It is understood that the provisions of subparagraph (1) (a) of this Article do not preclude a consular officer or employee from being held liable in a civil action arising out of a contract concluded by him in his private capacity and not within the scope of his official duties, and that the provisions of subparagraph (5) (b) of this Article do not entitle a consular officer or employee to refuse to produce any document or to give evidence relating to such a contract.

(3) When the receiving state is permitted to exercise its jurisdiction over a consular officer or employee, it must exercise its jurisdiction in such a manner as not to interfere unduly with the performance of consular functions.

(4) A consular officer or employee shall enjoy exemption from military, naval, air, police, administrative or jury service of every kind, and from any contribution in lieu thereof.

(5) (a) A consular officer or employee may be required to give testimony in either a civil or a criminal case, except as provided in subparagraph (b) of this paragraph. The administrative or judicial authorities requiring his testimony shall take all reasonable steps to avoid interference with the performance of his official duties and, where possible or permissible, arrange for the taking of such testimony orally or in writing, at his office or residence.

(b) A consular officer or employee shall be entitled to refuse a request from the administrative or judicial authorities of the receiving state to produce any documents from the consular archives or to give evidence relating to matters falling within the scope of his official duties. Such a request shall, however, be complied with in the interests of justice if it is possible to do so without prejudicing the interests of the sending state. A consular officer or employee is also entitled to decline to give evidence as an expert witness with regard to the laws of the sending state.

(6) A consular officer or employee and members of his family forming part of his household shall be exempt in the receiving state from any requirements with regard to the registration of foreigners and the obtaining of permission to reside. Such members of the family of a consular officer or employee shall not receive the benefits of this paragraph if gainfully employed in the receiving state.

(7) A consular officer shall not, while holding his exequatur or other authorization, including provisional authorization, be subject to deportation.

(8) All vehicles, vessels and aircraft owned by the sending state and used for consular purposes, and all vehicles, vessels and aircraft owned by a consular officer or employee of the sending state, shall be adequately insured against third party risks, with an insurance company authorized to do, and actually carrying on, business in the receiving state. Any claim arising under any such policy shall be deemed to be a claim arising out of a contract involving liability in a civil action, as contemplated in paragraph (2) of this Article.

Part IV. Financial privileges

Article 12

(1) The sending state, or one or more persons acting on behalf of the sending state, shall, with respect to its consular establishments in the receiving state, be exempt from the payment of all taxes or similar charges

of any kind imposed by the receiving state or by any local subdivision thereof for the payment of which the sending state, or one or more persons acting on behalf of the sending state, would otherwise be legally liable, with respect to—

(a) the acquisition, ownership, use or possession of immovable property, owned or otherwise held or occupied by the sending state and used exclusively for any of the purposes specified in paragraph (1) of Article 7, except taxes or other assessments imposed for services or local public improvements by which and to the extent that such property is benefited;

(b) the acquisition, ownership, possession or use of movable property, including vehicles, vessels and aircraft, owned or used by the sending state exclusively for any of the purposes specified in paragraph (1) of Article 7;

(c) the fees received in compensation for consular services and the receipts given for the payment of such fees;

(d) any other acts or transactions, including the acquisition or rendition of services, incident to the operation of a consular establishment of the sending state.

(2) No provision of subparagraph (1) (d) of this Article shall be construed to accord the sending state, or one or more persons acting on behalf of the sending state, exemptions from the taxes on electricity and gas to be imposed on the use of electricity or gas at a consular establishment used or held for residence for a consular officer or employee or for related purposes, unless:

(a) (i) such consular establishment is owned by the sending state, or

(ii) such consular establishment is used or held by the sending state on a lease, during a period of time not shorter than a year and irrespective of changes in residents, and

(b) the sending state is the party to the contract on the use of electricity or gas and is liable for the payment of charges for electricity or gas.

(3) The foregoing exemptions shall not apply with respect to taxes or other similar charges of any kind for which some other person is legally liable, notwithstanding that the burden of the tax or other similar charge may be passed on to the sending state or one or more persons acting on behalf of the sending state.

Article 13

(1) Any consular officer or employee who is a national of the sending state, whether or not he is a national of any other state, shall be exempt from the payment of all taxes or similar charges of any kind imposed by the receiving state or any local subdivision thereof on the official emoluments, salaries, wages, or allowances received by such officer or employee from the sending state.

(2) (a) A consular officer, or a consular employee who performs administrative or technical work and who does not belong to the service staff shall, except as otherwise provided in paragraph (3) of this Article, be exempt from the payment of all taxes or similar charges of any kind, including taxes or similar charges incident to the licensing, titling, registration, use and operation of vehicles owned by such officer or employee, imposed by the receiving state or any local subdivision thereof for the payment of which such officer or employee would otherwise be legally liable. The number of vehicles entitled to such exemption shall be decided in accordance with the laws of the receiving state, provided that such officer or employee shall be entitled to such exemption for at least one vehicle. The exemption of taxes or similar charges on imports shall be as provided in Article 14.

(b) The foregoing exemption shall not apply with respect to taxes or other similar charges of any kind for which some other

person is legally liable, notwithstanding that the burden of the tax or other similar charge may be passed on to such officer or employee.

(3) The provisions of subparagraph (2) (a) of this Article shall not apply to:

(a) taxes imposed on the acquisition, ownership or occupation of immovable property situated in the receiving state;

(b) taxes imposed on income derived from sources within the receiving state, other than those stipulated in paragraph (1) of this Article;

(c) taxes on instruments effecting transactions, such as stamp duties imposed or collected in connection with the transfer of property, or taxes on the transfer of securities;

(d) taxes on the use of amusement facilities, the amusement tax including any hotel and restaurant tax, the spa tax, the traveling tax, taxes on electricity and gas, and the diesel oil delivery tax;

(e) taxes imposed by reason of or incident to the transfer by gift of property located in the receiving state;

(f) taxes imposed by reason of or incident to the passing on death of property located in the receiving state, such as estate, inheritance, and succession taxes.

(4) (a) Notwithstanding any provisions of the preceding paragraphs of this Article, no such tax as estate, inheritance or succession tax shall be imposed or collected by the receiving state or any local subdivision thereof by reason of or incident to the passing of movable property located in the receiving state upon the death of a consular officer or employee in respect of that part of such movable property which the deceased consular officer or employee owned within the receiving state solely in connection with the performance of his official duties, and which does not exceed in value two times the amount of all official emoluments, salaries and allowances received by the consular officer or employee for the year immediately preceding his death.

(b) For the purpose of paragraph (4) (a) of this Article and subject to the limitations thereof, household and personal effects, personally owned vehicles and demand deposit accounts or time deposit accounts with a term shorter than one year of the deceased consular officer or employee shall be deemed conclusively to constitute property owned by him solely in connection with the performance of his official duties.

Article 14

(1) The sending state may import into the receiving state, free of all custom duties and internal revenue or other taxes imposed upon or by reason of importation by the receiving state or by any local subdivision thereof, all articles, including vehicles, vessels and aircraft, intended for official use in the receiving state in connection with any of the purposes specified in paragraph (1) of Article 7.

(2) A consular officer may import into the receiving state, free of all custom duties and internal revenue or other taxes imposed upon or by reason of importation by the receiving state or by any local subdivision thereof, a reasonable quantity of baggage, effects and other articles, including vehicles, vessels and aircraft, required for the exclusive personal use of himself or members of his family forming part of his household. Such exemption from duties and taxes shall be granted, during the entire period such officer serves in the receiving state, with respect to—

(a) articles accompanying him to his consular post on first arrival or on any subsequent arrival;

(b) articles consigned to him or withdrawn by him from customs custody for the above-mentioned purposes.

(3) A consular employee who performs administrative or technical work and who does not belong to the service staff shall

also enjoy the privileges specified in the preceding paragraph with respect to articles imported at the time of his first arrival.

(4) It is, however, understood that—

(a) the receiving state may, as a condition to the granting of the exemption provided in this Article, require that a notification of any importation be given in such manner as it may prescribe;

(b) the exemption provided in this Article, being in respect of articles imported for official or personnel use only, does not extend to, inter alia, articles imported as an accommodation to others or for sale or for other commercial purposes. However, articles imported as samples of commercial products solely for display within a consular office shall not be regarded as excluded from the exemption provided in this Article;

(c) the receiving state may determine that the exemption provided in this Article does not apply in respect of articles grown, produced or manufactured in the receiving state which have been exported therefrom without payment of or upon repayment of taxes or duties which would have been chargeable but for such exportation;

(d) nothing in this Article shall be construed to excuse compliance with customs formalities, or to permit the entry into the receiving state of any article the importation of which is specifically prohibited by the laws of the receiving state;

(e) the laws of the receiving state shall apply to the disposition of the articles imported under paragraphs (1), (2), and (3) of this Article; and

(f) paragraph (1) of this Article and paragraph (5) of Article 17 shall not be construed to prejudice the laws of the receiving state concerning the importation of cinema films for a consular office excluding films for academic or cultural use, and films which are in fact documentary or newsreels, imported exclusively for official use.

Part V. General consular functions

Article 15

(1) A consular officer shall be entitled within his consular district to—

(a) interview, communicate with, assist and advise any national of the sending state;

(b) inquire into any incidents which have occurred affecting the interests of any such national;

(c) assist any such national in proceedings before or in relations with the authorities of the receiving state and, where necessary, arrange for legal assistance for him.

(2) For the purpose of protecting nationals of the sending state and their property and interests, a consular officer shall be entitled to apply to and correspond within his consular district with the appropriate authorities, including the appropriate departments of the central government of the receiving state. He shall not, however, be entitled to correspond with or to make diplomatic representations to the Department of State when the United States of America is the receiving state or the Ministry of Foreign Affairs when Japan is the receiving state except in the absence of any diplomatic representative of the sending state.

(3) A consular officer may also communicate with the authorities of the receiving state within his consular district on any other matters falling within his competence.

(4) A national of the sending state shall have the right at all times to communicate with the appropriate consular officer and, unless subject to lawful detention, to visit him at his consular office.

Article 16

(1) The appropriate authorities of the receiving state shall, at the request of any national of the sending state who is confined in prison awaiting trial or is otherwise

detained in custody within his consular district, immediately inform a consular officer of the sending state. A consular officer shall be permitted to visit without delay, to converse privately with, and to arrange legal representation for any national of the sending state who is so confined or detained. Any communication from such a national to the consular officer shall be forwarded without undue delay by the authorities of the receiving state.

(2) Where a national of the sending state has been convicted and is serving a sentence of imprisonment, a consular officer in whose consular district the sentence is being served shall, upon notification to the appropriate authorities of the receiving state, have the right to visit him in prison. Any such visit shall be conducted in accordance with prison regulations, which shall permit reasonable access to and opportunity of conversing with such national. The consular officer shall also be allowed, subject to the prison regulations, to transmit communications between the prisoner and other persons.

Article 17

(1) A consular officer may within his consular district:

(a) receive such declarations as may be required to be made under the nationality laws of the sending state;

(b) issue such notices to, receive such declarations from and provide for such medical examinations of a national of the sending state as may be required under the laws of the sending state with regard to compulsory national service;

(c) register a national of the sending state, register or receive notifications of the birth or death of a national of the sending state, record a marriage celebrated within the receiving state when at least one of the parties is a national of the sending state, and receive any such declarations pertaining to family relationships of a national of the sending state as may be required under the laws of that state;

(d) issue, amend, renew, validate and revoke, in conformity with the laws of the sending state, visas, passports and other similar documents;

(e) (i) serve judicial documents, on behalf of the courts of the sending state, upon, or

(ii) take depositions, on behalf of the courts or other judicial tribunals or authorities of the sending state, voluntarily given, or

(iii) administer oaths to any person in the receiving state in accordance with the laws of the sending state and in a manner not inconsistent with the laws of the receiving state;

(f) obtain copies of or extracts from documents of public registry;

(g) issue, with regard to goods, certificates of origin and other necessary documents for use in the sending state.

(2) It is understood that the registration or the receipt of notifications of a birth or death by a consular officer, the recording by a consular officer of a marriage celebrated under the laws of the receiving state, and the receipt by a consular officer of declarations pertaining to the family relationships in no way exempts a person from any obligation laid down by the laws of the receiving state with regard to the notification to or registration with the appropriate authorities of the receiving state, of births, deaths, marriages, or other matters pertaining to family relationships of a person.

(3) A consular officer may also within his consular district:

(a) authenticate or certify signatures;

(b) translate into the language of one of the High Contracting Parties acts and documents of any character drawn up in the language of the other High Contracting Party and certify to the accuracy of the translation thereof;

(c) prepare, attest, receive the acknowledgments of, certify, authenticate, legalize and in general take such action as may be necessary to perfect or to validate any act, document or instrument of a legal character as well as copies thereof, including declarations, testamentary dispositions and contracts.

(4) A consular officer may perform the services specified in paragraph (3) of this Article whenever such services are required by a national of the sending state for use outside the territories of the receiving state, or by any person for use in the territories of the sending state or are rendered in accordance with procedures, not prohibited by the laws of the receiving state, established by the sending state for the protection of its nationals abroad or for the proper administration of its laws.

(5) A consular officer may further the cultural, artistic, scientific, commercial, professional and educational interests of the sending state.

Part VI. Estates and transfers of property

Article 18

(1) In the case of the death of a national of the sending state in the territory of the receiving state, without having in the territory of his decease any known heir or testamentary executor, the appropriate local authorities of the receiving state shall as promptly as possible inform a consular officer of the sending state.

(2) A consular officer of the sending state may, within the discretion of the appropriate judicial authorities and if permissible under the then existing applicable local laws in the receiving state:

(a) take provisional custody of the personal property left by a deceased national of the sending state, provided that the decedent shall have left in the receiving state no heir or testamentary executor appointed by the decedent to take care of his personal estate; provided that such provisional custody shall be relinquished to a duly appointed administrator;

(b) administer the estate of a deceased national of the sending state who is not a resident of the receiving state at the time of his death, who leaves no testamentary executor, and who leaves in the receiving state no heir, provided that if authorized to administer the estate, the consular officer shall relinquish such administration upon the appointment of another administrator;

(c) represent the interests of a national of the sending state in an estate in the receiving state, provided that such national is not a resident of the receiving state, unless or until such national is otherwise represented; provided, however, nothing herein shall authorize a consular officer to act as an attorney at law.

(3) Unless prohibited by the laws of the receiving state, a consular officer may, within the discretion of the court, agency or person making distribution, receive for transmission to a national of the sending state who is not a resident of the receiving state any money or property to which such national is entitled as a consequence of the death of another person, including shares in an estate, payments made pursuant to workmen's compensation laws, pension and social benefits systems in general, and proceeds of insurance policies. The court, agency or person making distribution may require that a consular officer comply with conditions laid down with regard to—

(a) presenting a power of attorney or other authorization from such nonresident national,

(b) furnishing reasonable evidence of the receipt of such money or property by such national, and

(c) returning the money or property in the event he is unable to furnish such evidence.

(4) Whenever a consular officer shall perform the functions referred to in paragraphs (2) and (3) of this Article, he shall be subject, with respect to the exercise of such functions, to the laws of the receiving state and to the jurisdiction of the judicial and administrative authorities of the receiving state in the same manner and to the same extent as a national of the receiving state.

Part VII. Shipping

Article 19

(1) When a vessel visits a port (which includes any place to which a vessel may come) in the receiving state, the master and members of the crew of the vessel shall be permitted to communicate with and, subject to immigration laws of the receiving state, visit a consular officer in whose district the port is situated. For the purpose of performing any of the duties he is authorized to perform by this Convention, a consular officer, accompanied, if he desires, by one or more consular officers or employees on his staff, may proceed on board the vessel after she has received pratique.

(2) A consular officer may request the assistance of the authorities of the receiving state in any matter pertaining to the performance of such duties, and they shall give the requisite assistance unless they have special reasons which would fully warrant refusing it in a particular case.

Article 20

(1) A consular officer may question the master and members of the crew of a vessel, examine her papers, take statements with regard to her voyage and her destination and generally facilitate her entry and departure. When custom house brokers or shipping agents are available, however, a consular officer shall not undertake to perform functions normally within the scope of their activities.

(2) A consular officer or employee may appear with the master or members of the crew of a vessel before the local administrative and judicial authorities, and may lend his assistance, including, where necessary, arranging for legal assistance and acting as interpreter in matters between them and such authorities.

(3) A consular officer may, provided that the judicial authorities of the receiving state do not exercise jurisdiction in accordance with the provisions of Article 21, decide or arrange for the settlement of disputes between the master and members of the crew of a vessel including disputes as to wages and contracts of service in accordance with the laws of the sending state, arrange for the engagement and discharge of the master and members of the crew, and take measures for the preservation of good order and discipline on the vessel.

(4) A consular officer may take measures for the enforcement of the shipping laws of the sending state.

(5) A consular officer may, where necessary, make arrangements for the repatriation and the treatment in a hospital of the master or members of the crew or the passengers of a vessel.

Article 21

(1) Except at the request or with the consent of a consular officer, the administrative authorities of the receiving state shall not concern themselves with any matter concerning the internal management of the vessel. The judicial authorities of the receiving state may, however, exercise any jurisdiction which they may possess under the laws of the receiving state with regard to disputes as to wages and contracts of service between the master and members of the crew of a vessel. The administrative and judicial authorities shall not interfere with the detention in custody on a vessel of a seaman for disciplinary offenses, provided that such detention is lawful under

the laws of the sending state and is not accompanied by unjustifiable severity or inhumanity.

(2) Without prejudice to the right of the administrative and judicial authorities of the receiving state to take cognizance of crimes or offenses committed on board a vessel when she is in the ports or in the waters of the receiving state or to enforce the laws of the receiving state applicable to vessels of any state in its ports and its waters or to persons and property thereon, it is the common intention of the High Contracting Parties that the administrative authorities of the receiving state should not, except at the request or with the consent of the consular officer—

(a) concern themselves with any matter taking place on board a vessel except for the preservation of peace and order or in the interests of public health or safety, or

(b) institute prosecutions in respect of crimes or offenses committed on board a vessel in the ports or in waters of the receiving state unless they are of a serious character or involve the tranquillity of the port or unless they are committed by or against persons other than members of the crew who are not nationals of the receiving state.

Crimes or offenses against the laws of the receiving state regarding public health, customs or immigration committed on board a vessel in the ports or waters of that state shall be deemed to be included in the crimes or offenses involving the tranquillity of the port.

(3) The provisions of the preceding paragraph shall not be construed as affecting the rights of vessels in innocent passage through the territorial sea. Such rights are determined by international law.

(4) If, for the purpose of exercising the rights referred to in paragraph (2) of this Article, it is the intention of the authorities of the receiving state to arrest or question any person or to seize any property or to institute any formal inquiry on board a vessel, the master or other officer acting on his behalf shall be given an opportunity to inform the consular officer, and unless this is impossible on account of the urgency of the matter, to inform him in such time as to enable the consular officer or a consular employee on his staff to be present if he so desires. If a consular officer has not been present or represented, he shall be entitled, on his request, to receive from the authorities of the receiving state full information with regard to what has taken place. The provisions of this paragraph do not apply to routine examinations by the authorities of the receiving state with regard to customs, health and the admission of aliens, or to the detention of a vessel or of any portion of her cargo arising out of civil or commercial proceedings in the courts of the receiving state.

Article 22

(1) A consular officer may visit at ports within his consulate district a vessel of any flag destined to a port of the sending state, at the request or with the consent of the master of that vessel, in order to enable him to procure the necessary information to prepare and execute such documents as may be required by the laws of the sending state as a condition of entry of such vessel into its ports, and to furnish to the competent authorities of the sending state such information with regard to sanitary or other matters as such authorities may require.

(2) In exercising the rights conferred upon him by this Article, the consular officer shall act with all possible dispatch.

Article 23

(1) If a vessel of the sending state is wrecked in the receiving state, the consular officer in whose district the wreck occurs shall be informed as soon as possible by the

appropriate authorities of the receiving state of the occurrence of the wreck.

(2) The appropriate authorities of the receiving state shall take all practicable measures for the preservation of the wrecked vessel, of the lives of persons on board, of the cargo and of other property on board, and for the prevention and suppression of plunder or disorder on the vessel. These measures shall also extend to articles belonging to the vessel or forming part of her cargo which have become separated from the vessel.

(3) If the vessel is wrecked within a port or constitutes a navigational hazard within the territorial waters of the receiving state, the authorities of the receiving state may also order any measures to be taken which they consider necessary with a view to avoiding any damage that might otherwise be caused by the vessel to the port facilities or navigation.

(4) If the owner of the wrecked vessel, his agent, or the underwriters concerned, or the master are not in a position to make arrangements for the disposal of the vessel in accordance with the relevant provisions of the laws of the receiving state, a consular officer shall be deemed to be authorized to make, acting for the owner, the same arrangements as the owner himself could have made if he had been present.

(5) Where any articles belonging to or forming part of a wrecked vessel of any flag (other than that of the receiving state), or belonging to or forming part of the cargo of any such vessel, are found on or near the coast of the receiving state or are brought into any port of that state, the consular officer in whose district the articles are found or brought into port shall be deemed to be authorized to make, acting for the owner of the articles, such arrangements relating to the custody and disposal of the articles as the owner himself could have made if—

(a) in the case of articles belonging to or forming part of the vessel, the vessel is a vessel of the sending state or, in the case of cargo, the cargo is owned by nationals of the sending state; and

(b) neither the owner of the articles, his agent, the underwriters nor the master of the vessel is in a position to make such arrangements.

Article 24

For the purposes of Articles 19 to 23, the term "vessel" shall be deemed to include aircraft, and the term "shipping laws" shall be construed, as applied to aircraft, to refer to aviation laws, and the term "waters" shall be construed, as applied to aircraft, to refer to territory of the receiving state.

Part VIII. Final provisions

Article 25

(1) The privileges and immunities conferred by paragraphs (2) and (4) of Article 9, subparagraph (1)(b) and paragraphs (4) and (6) of Article 11, paragraphs (1), (2) and (4) of Article 13 and paragraphs (2) and (3) of Article 14 shall not be accorded to a consular officer or employee, or members of his family forming part of his household, if such officer or employee is a national of the receiving state, or has the status in the receiving state of an alien lawfully admitted for permanent residence, or is engaged in any private occupation for gain in the receiving state, or is other than a full-time officer or employee of the sending state.

(2) The privileges and immunities conferred by paragraph (1) of Article 7, paragraph (4) of Article 8 and paragraph (2) of Article 12 shall not be accorded to the sending state with respect to a consular office in the charge of a consular officer or employee referred to in the preceding paragraph, or with respect to a resident for such consular officer or employee.

Article 26

(1) The provisions of Articles 15 to 23 relating to the functions which a consular officer may perform are not exhaustive. A consular officer shall be permitted to perform other functions, involving no conflict with the laws of the receiving state, which are either in accordance with international law or practice relating to consular officers recognized in the receiving state or are acts to which no objection is taken by the receiving state.

(2) It is understood that in any case where any Article of this Convention gives a consular officer the right to perform any functions, it is for the sending state to determine to what extent its consular officer shall exercise such right.

(3) Nothing contained in this Convention shall be construed to permit a consular officer or employee to take advantage of the rights, immunities or privileges accorded thereby for any purposes other than those for which these benefits have been granted by the terms of this Convention.

(4) A consular officer may levy the fees prescribed by the sending state for the performance of consular services.

Article 27

(1) This Convention shall be ratified and the instruments of ratification thereof shall be exchanged at Washington. The Convention shall enter into force on the thirtieth day after the date of exchange of the instruments of ratification and shall continue in force for the term of five years.

(2) Unless six months before the expiration of the aforesaid term of five years either High Contracting Party shall have given notice to the other of the intention to terminate this Convention, the Convention shall continue in force after the aforesaid term and until six months from the date on which either High Contracting Party shall have given to the other notice of termination.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Convention and have hereunto affixed their seals.

DONE in duplicate, in the English and Japanese languages, both texts being equally authentic, at Tokyo, this twenty-second day of March, one thousand nine hundred sixty-three.

For the United States of America:

EDWIN O. REISCHAUER [SEAL]

For Japan:

MASAYOSHI OHIRA [SEAL]

Protocol

At the time of signing the Consular Convention between the United States of America and Japan, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions, which shall be considered integral parts of the aforesaid Convention:

1. Notwithstanding the provisions of Article 1, this Convention shall not apply to any area set forth in Article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, as long as any such area has not been returned to Japanese jurisdiction.

2. The phrase "one or more persons acting on behalf of the sending state" referred to in Articles 7 and 12 includes, when the United States of America is the sending state, the Secretary of State, the Chief of the Diplomatic Mission in Japan, or any other officer of the United States of America acting on its behalf; but does not include any private individual or juridical entity.

3. Notwithstanding the provision of paragraph (5) of Article 2, the term "vessel" shall, for the purpose of paragraph (1) of Article 19, paragraphs (1), (2), (3) and (5) of Article 20 and paragraphs (1) and (4) of Article 21, be deemed to include:

(a) any vessel of the receiving state or any third country chartered on bare boat

terms by a national or nationals of the sending state; and

(b) any vessel of the sending state except that chartered on bare boat terms by a national or nationals of the receiving state.

4. Without derogation of such rights and benefits as the sending state may have under international law with respect to diplomatic property, the provisions of Article 12 (except subparagraphs (b) and (c) of paragraph (1)) shall likewise apply with respect to immovable property owned or otherwise held or occupied by the sending state and used either for embassy purposes or for residences for one or more officers or employees of the embassy.

5. The term "members of his family forming part of his household" referred to in paragraph (6) of Article 11, paragraph (2) of Article 14 and paragraph (1) of Article 25 shall be understood to include only those persons residing in the receiving state who are substantially dependent upon the consular officer or employee for support.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol and have hereunto affixed their seals.

DONE in duplicate, in the English and Japanese languages, both texts being equally authentic, at Tokyo, this twenty-second day of March, one thousand nine hundred sixty-three.

For the United States of America:

EDWIN O. REISCHAUER.

For Japan:

MASAYOSHI OHIRA.

Mr. MANSFIELD. Mr. President, on the basis of the information available to me, I point out to the Senate that these protocols and conventions are noncontroversial. Explanations will be given on the morrow by the distinguished Chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT]. In view of the fact that these protocols and conventions will not be disposed of tonight, and also due to the fact that there will be a yea-and-nay vote on the question of agreeing to the resolutions of ratification, and also due to the fact that Senators will be given due notice, I ask unanimous consent—and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], joins me in this request—that the following protocols and conventions be considered and voted on en bloc; Executive Calendars No. 3, 4, 5, 6, 7, and 8—Executive D (88th Cong., 1st sess.); Executive E (87th Cong., 2d sess.); Executive F (87th Cong., 2d sess.); Executive E (88th Cong., 1st sess.); Executive B (88th Cong., 1st sess.); and Executive I (88th Cong., 1st sess.).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. In addition, Mr. President, I ask that the yeas and nays be ordered on the question of agreeing, en bloc, to the resolutions of ratification of all these protocols and conventions.

The yeas and nays were ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is anticipated that tomorrow the Senate will take up the military construction bill. Following the disposition of that bill and any other measures on the calendar which are disposable, it is anticipated that the Senate will go over until Thursday, at which time whatever bills may be on the calendar will be considered. In addition, there will be memorial

services for our late distinguished colleague, Senator Kefauver, of Tennessee.

It is anticipated that, if nothing unforeseen develops, at the conclusion of the remarks of Senators concerning the late Senator Kefauver, of Tennessee, the leadership will bring up the foreign aid bill. It is possible, time permitting, that the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], will make his opening remarks on the bill that evening. But, regardless of whether he makes his remarks then or later, it is anticipated—again, barring unforeseen developments—that from that day, Thursday, the Senate will go over until the following Monday, at which time the foreign aid bill will continue to be the business of the Senate. I assume that its consideration will require some time.

ORDER FOR ADJOURNMENT TO NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session this afternoon, it adjourn until noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR PASTORE AND CIVIL RIGHTS

Mr. BARTLETT. Mr. President, the senior Senator from Rhode Island [Mr. PASTORE] has once again delivered an eloquent speech. This time, speaking before the Rhode Island affiliate of the American Civil Liberties Union, he has very briefly and forcefully summed up the urgent need for the pending civil rights legislation. This is a statement that should be read by all Americans—and was spoken by a man who has been a moving force in the Commerce Committee's consideration of the public accommodations section recently ordered reported by a vote of 14 to 3. Therefore, I ask unanimous consent that Senator PASTORE's remarks be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

It is a privilege and a pleasure to be with you on this occasion of your annual meeting. October 20—it so happens—marks a most important milestone in our country's history.

At Philadelphia on this date in 1774 53 members of the First Continental Congress signed the report forming "The Association of American Colonies." The historian tells us that this deed and this day really signifies the birth of the American Nation.

John Adams wrote home that this was "a diversity of religions, educations, manners, interests such as it would have seemed impossible to unite in one line of conduct."

Two years later they showed that united conduct in the Declaration of Independence pledging their lives, their fortunes, and their sacred honor to a belief that all men are created free and equal.

A century ago the Emancipation Proclamation showed that we mean that all men are free and equal—and this year in our Senate Commerce Committee we took further steps to make sure that public accommodations are equal for all men.

All through the month of July and into August in Washington we held hearings to the amount of two volumes and 1,500 pages of testimony as we labored to secure emancipation from humiliation.

Is it so crucial to this Nation of ours whether a Negro can buy a cup of coffee in a corner drugstore? Is it a matter of grave concern whether a family, tired and worn from a day of travel, can purchase lodging for the night even though they be dark-skinned? I think it is. The issue is not merely whether a Negro can buy a cup of coffee, or secure lodging, but whether a nation founded on the concept of human rights and dignity of man can secure those rights for all its citizens. If we fall in the quest of human rights for all, then the very purpose for which this Nation exists is defeated.

If it is simply a matter of human rights—why are the people of this Nation so slow to deal with the problem? After all, nearly 200 years ago we declared that equality of man was self evident. We have built our Nation on this principle. A long and costly Civil War was fought to prove we meant to fulfill our promise of human rights for persons of every race and creed. And we have engaged in wars to preserve the right of people of other nations to enjoy our formula for dignity if they so choose. How, then, can a people more expert in the meaning of human rights than any people in the world fail to recognize a deprivation of those rights in their own backyard?

Perhaps we have been so busy preserving the right of all nations to apply and enjoy our principles that we have neglected them ourselves. Rather like a doctor who is so busy treating others he neglects his own health. This would be a most sympathetic excuse if it were true.

We have found time for gold and sports cars, for mink stoles and suburbia, for martinis at lunch, for hula hoops and bridge games. How, then, could we have been too busy to insure the dignity of our fellow citizens?

I suppose it is to be expected that a proud people—such as we—are slow to admit, or even realize, we have not entirely succeeded in securing that principle so many thousands of our youth have died to protect.

Each day, however, more of our citizens are realizing that the dilemma prompting public accommodations legislation involves human rights and the dignity of man; and I am not dismayed that those who see the issue for what it is are nonetheless perplexed about how to correct the inequality now existing in our society. Perplexity is really a very valuable human trait. When one is perplexed or confused about how to proceed, he does not dismiss any reasonable solution without careful scrutiny. This is how to approach the subject of human rights. We cannot seek a fast "cure all" remedy for a problem so exceedingly complex.

We must endeavor to secure human rights while still preserving the ideals and principles of that system which demands such rights be secured.

I was privileged to chair the inquiry and deliberation involved in reaching the Commerce Committee decision on the public accommodations measure. As you may know, that bill is being reported out favorably for Senate action.

During the months of hearings and committee discussion on the bill, I was compelled to reexamine my thoughts on this matter many times in every day. Those whose positions I disagreed with were every bit as sincere as I in the quest to do what is just. There are honest differences of opinion about how to deal with this problem.

Yet I am convinced that we must have legislation of this type. I am convinced that human rights will be advanced by such action. All legislation involves a weighing

and balancing of competing interests. The interest this bill serves far outweighs, in my mind, the arguments advanced against Federal public accommodations legislation.

It seems not at all unreasonable to require one holding himself out as willing to deal with the public for commercial gain to stick to his bargain, unless he has some reasonable grounds to withdraw his offer.

How can the color of a man's skin, or his religion be considered a reasonable ground for excluding a person from a benefit admittedly intended to be conferred upon the public?

I am not speaking of excluding a person because he is dirty, improperly attired, or of an unruly or boisterous nature. I am speaking of a respectable and well behaved person. If he is otherwise, then it seems entirely reasonable that the proprietor refuse him the services of his establishment. One should not be required to cater to those who conduct themselves in a manner that disrupts the business of an establishment, or offends members of the public who wish to deal with that establishment. Refuse such persons service regardless of the color of their skin * * * not because of the color of their skin.

However, those deserving of dignity should be treated with dignity. Color, religion, or national origin must not be the criteria by which we measure one's right to dignity. It must, rather, be measured by the way that person conducts himself in relation to other members of society. This is the purpose of public accommodations legislation. This is also the requirement imposed upon us all if we intend to serve the cause of human rights and the dignity of man.

Much of the debate and controversy in regard to this bill has been devoted to issues other than the reasonableness or need of such legislation. There has been considerable concern over use of the commerce clause of the Constitution as a basis for legislation in aid of human rights. It is argued that use of the commerce clause for such a purpose is unconstitutional, and if this bill should be sustained on that basis, the result would be a complete distortion of the historical purpose and meaning of that clause. I do not share that concern.

This legislation would not, as some argue, open the door wide to regulation of every facet of our lives. Sustaining this legislation on the basis of the commerce clause would be entirely consistent with the history and interpretation of that clause through the years. In 1914 the U.S. Supreme Court held that the Federal Government could regulate purely intrastate rail rates because they affected interstate rail rates.

Innumerable subsequent decisions have advanced the proposition that Congress may constitutionally legislate with regard to so-called "local matters" if they affect interstate commerce.

Only establishments affecting interstate commerce are subject to the provisions of the public accommodations bill. There is, then, clearly no extension or distortion of the commerce clause. Nor does the fact that the bill has a purpose in addition to protecting and fostering interstate commerce detract from its validity. The Supreme Court has said that: "The motive and purpose of a regulation of interstate commerce are matters for the legislative judgment upon the exercise of which the Constitution places no restriction and over which the courts are given no control."

Regulation of commerce has been the means to serve many purposes. Congress has used this power to discourage various practices deemed undesirable. The commerce clause served as a vehicle to make the transporting of women across State lines for immoral purposes a Federal crime. Congress has strictly regulated the transportation of liquor. Illegal gambling is deterred by com-

mercial clause legislation requiring those in the business of taking wagers pay a tax and disclose their names and addresses. In the area of civil rights Congress has used its commerce powers to combat bombing of schools or religious structures by making the transportation of explosives in interstate commerce for such purpose a Federal crime.

The Supreme Court has already ruled that Congress has authority to prevent racial discrimination in interstate commerce. The Interstate Commerce Act forbids discrimination in interstate commerce common carriers, and grants all persons, regardless of their race or color, a right to be served in restaurants within the carrier terminal. The Supreme Court sustained this as a valid and proper exercise of the commerce clause power.

It seems clear that Congress may regulate that which affects interstate commerce for any reason that seems just and necessary to Congress. I feel that the public accommodations measure is necessary. It usurps no freedom or liberty of the individual. It is intended to preserve and promote the liberties of all.

But there is more to human rights than buying a cup of coffee—or seeing a movie—or securing a lodging. There is the right to compete with your fellowman. Do we all have that opportunity now? Not really. It is hard to compete if you do not have the education modern society requires to excel in any field. The Negro does not have that now. There must be a two-pronged attack on this problem. We must encourage the education process by ending discrimination in public schools—and at the same time we must be willing to utilize the skills of the educated Negro. Labor unions and the professions, business and trade associations must not deny membership on account of race, color, religion, or national origin.

We must always preserve the concept that ability, desire, decency, and honest perseverance are the necessary prerequisites of those who would command respect and dignity. The labor union owes nothing to a man who is not willing to work and apply his faculties in a productive manner. Nor am I interested in permitting a man to practice law or medicine when he is not competent—whether he be black or white. But there must be no discrimination beyond character, competence, and conduct.

Those who practice such discrimination must come to realize that they are harming themselves by this action. Denying human rights to others creates a serious weakness in our social system. By denying to the Negro his human rights we pave the way for someone to deprive others of their rights. We are involved in a struggle not merely to secure equal rights for nonwhites. It is an effort to secure human rights for each and every one of us.

In that far-off year of 1774 at the start of the First Continental Congress, it was thought there could be no opening prayer because of the diversity of religions. But upon motion of the Puritan Sam Adams a local Episcopalian minister was called and gave the prayer.

There was the beginning of our national unity. There was the beginning of tolerance.

As we mean to perpetuate this country of our opportunities, let us resolve to perpetuate that tolerance. It is a resolution that we make naturally in this community of Roger Williams. It is a resolution that we take as Americans—that, under God, ours may forever be the land of the equal and the home of the free.

U.S. MILITARY OFFICERS IN VIETNAM

Mrs. SMITH. Mr. President, in recent weeks we have read of derogatory

remarks made about U.S. military officers in Vietnam.

To those who would impugn the motives of such officers and who seek to deprecate them back here in the United States while they are risking, and giving, their lives for the cause of freedom on the other side of the world, I would call attention to the case of Naval Lt. Wesley Hoch, of Rockland, Maine—son of one of my very best friends in Maine, Mrs. Ruth Hoch.

What young Lieutenant Hoch is so heroically doing in South Vietnam has been related by Orville Schell in the Boston Sunday Globe of October 20, 1963. I ask unanimous consent that Mr. Schell's piece be placed in the body of the RECORD at this point because it is a thundering answer to those who seek to discredit our military officers in South Vietnam.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LEGEND IN REMOTE SEAS: MAINE NAVY LIEUTENANT LEADS VIET JUNKS

(By Orville Schell)

ANTOI, VIETNAM.—On a remote island off the tip of southern Vietnam, a Navy lieutenant from Rockland, Maine, lives an almost squalid life among Vietnamese who man junks in patrols along the swampy, treacherous delta coastline of the Ca Mau Peninsula.

The junks stop and search craft that might be secretly bringing arms and supplies to Communist guerrillas in the area.

In his sea-sprayed New England twang, Lt. Wesley Hoch, barefoot and dressed in a baggy black tunic that is the uniform of junkmen, sounds peculiarly out of place standing at the door of the structure that is his district headquarters. Before him, out in the harbor beyond the barbed wire, is part of his fleet—a motley collection of junks.

Hoch is as much at home with the Vietnamese as if he were born in one of the small grass roof shacks that make up the village out of which he operates.

RARE RAPPORT

He has a rare rapport with the junkmen, with whom he works. They, in turn, are devoted to him.

For Dai Wei Hoch (their name for him) is one of them—24 hours a day.

He wants no escape to separate quarters, clean restrooms, Western food, military clubs, and air-conditioned rooms when 5 o'clock rolls around.

Unlike so many other American advisers in Vietnam, Hoch lives, sleeps, eats and fights 24 hours a day, every day, with his junkmen. He refuses to accept any privilege for himself that he cannot give his men. He says he hates to see stuff sit in Saigon warehouses rotting when his men are cold at night, wet during the day, undernourished and manning junks that are short of arms.

He has been known, when making one of his rare trips to Saigon, to drive a borrowed truck up to a warehouse during lunch hour and just start loading things into it—as if he owned the place. In this way he brings precious things to people fighting a war with empty stomachs and hardly a shirt on their backs.

The first thing he did when he arrived at Antoi, a small fishing village on the island of Pho Quoc, was to rip the sign off his door that said Cam Vao (do not enter). He runs an austere mobile force that fights the Vietcong guerrillas on their own terms. He does not want a large-scale, superorganized force

that would sacrifice the comradeship of his smaller group of men who can live off the land and trust one another.

In the life of Lt. Wesley Hoch—in a war most Americans forget—there is no time for the beer runs and the endless movies that keep most other American advisers entertained at night. There is no hot water heater that will be transported at the expense of something more necessary to the people or the war.

He says that one has to give everything or nothing at all, or one will fail. This is the creed he lives by.

PRICE ON HEAD

The result: His men respect him. And the enemy has placed a 500,000 piastre bounty (about \$7,000) on his head.

When not out on patrol, Hoch lives in the sparse remains of a garrison building the French vacated. Two rickety double-decker bunks junkmen share with him (depending on who gets tired first), a gas ice box filled with medicine and a few squash or melons are the only furnishings. The kitchen consists of a tub of water.

On the wall, several .45 automatics and a rack of M1 rifles and clips complete the scene. The "Antoi Hilton," as Hoch calls his quarters, sits close to the beach looking to a number of tropical islands in the distance. Behind his small compound sits the village of Antoi.

And behind the village, a hill rises. Almost every other night the Vietcong muster on the hill after dark and launch an attack. During the day the Vietcong are too wary to attack.

When at the base he does anything from writing reports to requesting more equipment to distributing whatever he has managed to beg, borrow or otherwise appropriate from what he calls the "air conditioned empire" of Saigon. Other days are spent trying to get damaged junks back into working order.

For a week, Hoch will put to sea in one of his patrol junks to check posts up and down the coast. He takes no special rations for himself. Instead, he brings paper, pencils, books, shoes, medical supplies, and food to the people who live in the forgotten backwaters of this embattled nation.

If the men catch no fish on their long sea journeys, he goes hungry with them; if the mosquitoes are biting, he is fair game. If the area is dangerous, he shares in the danger.

He is a strange mixture of soldier, sailor, dentist, mechanic, linguist (he speaks a fractured Vietnamese), doctor and teacher. He claims to have no special proficiency in any of these things, but maintains that anything that one can do as an amateur is better than sitting around doing nothing at all.

BEYOND CALL

Most of the small coastal villages to which he goes are dirty, poverty-stricken areas accessible only by sea. What is more, they are infested with the enemy.

Hoch runs his junk force in a way that is seldom found in the impersonality and coldness of the war here in Vietnam. He is a man who has been presented the job of building an effective junk patrol force for the Navy. He has done this, but he has not stopped there.

Hoch has a private theory, that if one will only sacrifice a little more, share a little more the dirty work with the people about whom the war is being fought—then it will be won a lot sooner.

To him, this does not mean going on a dangerous mission and then returning with relief to the comfort of Saigon, leaving the men who were being advised behind in the mud.

The war, for him, is not like holding your nose for a brief moment through a bad smell.

He is in it the whole time and asks no exceptions because he is an American.

This rare dedication has one visible side effect among the sincere and grateful Vietnamese: To them, Dai Wei Hoch already is a living legend.

LIEUTENANT HOCH, MARITIME GRADUATE

Lt. Wesley A. Hoch, 31, is the son of Mrs. Ruth Hoch of Glen Cove, Rockland, Maine, and the late Raymond Hoch. He is single.

He was graduated from Rockland High School in 1950 and the Maritime Academy with honors in 1953, with a B.S. in marine science. He went to sea for a year in the maritime service before joining the Navy.

He served with the Navy in the installation of the DEW (distant early warning) line before his assignment to the Republic of Vietnam as an adviser to its junk fleet in December 1962.

He has two brothers, David, superintendent of the Rockland-Rockport Lime Co., and William, a student at the University of Maine.

ART BUCHWALD

Mrs. SMITH. Mr. President, the art of satire is truly rare. Many aspire to be satirists but few make the grade. I speak specifically of satire that is genuinely delightful in its good-natured humor and not of that all too prevalent type of satire that is sadistic and petty and seeks to make someone or something the target of negative and cruel ridicule.

Satire is doubly delightful when it combines defense of the underdog with good-natured humor—when it praises with wit that which has been heretofore riddled with ridicule.

Art Buchwald is such a satirist. He is in a class by himself and other would-be satirists would do well to emulate him. His most recent piece is easily one of the best things of its kind ever. I like it because he defends that underdog that practically all of us at one time or another have maligned and picked to pieces—the TV commercial.

Because I feel that his article of October 20, 1963, is delightful reading and will bring smiles, laughs, and a refreshing contrast to the less pleasant side of life, I ask unanimous consent that it be placed in the body of the RECORD at this point and I invite the attention of all Members to it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMERCIAL ADDICT: MORE TIME TO DRINK BEER THAN ANYBODY
(By Art Buchwald)

There has been a great deal of talk lately about the number of commercials on television. The Federal Communications Commission Chairman, William Henry, has complained, as have the viewers, who, for some reason, think they have rights.

We happen to be one of those who think there aren't enough commercials on TV. After watching what the new television season has to offer we have decided we'd rather watch commercials. But every time we tune in one we discover it's interrupted by a program. Some of the commercials would make wonderful shows if there weren't so many programs scheduled on the air.

For example, we always get terribly frustrated when we see a young woman and a young man lolling on the grass with the breeze blowing in their hair. Suddenly the man lights up a cigarette and then places it in the girl's mouth. She puffs deeply as he

looks into her eyes. You get the feeling they understand each other, but before anything happens, we're switched back to Chet Huntley complaining about something happening in the United Nations.

A few weeks ago we were watching a wonderful scene of a plane following a beautiful girl in her car down the highway. The plane landed and the pilot got out and went up to the girl and asked her the name of her car. "It's a Dodge, of course," she said. But before she could ask the pilot what kind of plane he was flying, the commercial was interrupted by a stupid world series game and they never did get back to the couple.

It's the same with the toothpaste commercials. We happen to enjoy toothpaste commercials, particularly the ones that tell you how half the school used a certain kind of toothpaste and half the school didn't. Its revealed that the half that used the special toothpaste had far less cavities than the half that didn't.

But they never show you the half that didn't get to use the special toothpaste. We'd be interested to know how they felt about being given the wrong toothpaste. Surely the parents must have been furious to have to pay for all those cavities. Perhaps the kids with fewer cavities had their teeth knocked out by the kids who were forced to go to the dentist.

But nobody knows, because just when the commercial gets interesting somebody like Ben Casey or Perry Mason comes on the screen and spoils the show.

It's the same with headache commercials. Some kid is screaming and the teacher shouts at him.

"Control yourself," her subconscious tells her, so she takes a couple of pills and pretty soon she's smiling again. So far, so good. But we'd like to see how she made it up to the kid. Maybe she gave him an A. Maybe she let him go home from school. Maybe she slipped him a couple of pills. But you never find out.

Then there are the deodorant advertisements. A girl complains to her girl friend that no one ever takes her out on dates. The friend whispers the name of a deodorant in the girl's ear. Sure enough, in the next scene she's dancing at the prom. Will the guy ask her to marry him? Will he ask her the name of the deodorant? Will he ask her the name of her girl friend? Nobody knows.

We guess the most maddening commercials are the ones for soap. We see a beautiful girl getting into a shower. She starts sudsing herself up real good and tells you how wonderful the soap feels on her skin. You wait patiently for her to rinse herself off and step out of the shower. Wouldn't anybody? But just at the moment when the shower door opens, you find yourself staring at "Wagon Train" and some dirty old ranch hand eating beans with his fingers.

These are only a few examples of how television is cheating the audiences out of good commercials. If we were the Chairman of the FCC, we'd do away with television programs and just let them broadcast commercials. There is more plot, more substance, and better writing in one detergent ad than in most of the stuff they show on the air.

HERBERT H. LEHMAN VILLAGE

Mr. HUMPHREY. Mr. President, I was pleased to hear recently of the dedication of an important New York City public housing project in honor of one of America's great public servants, my friend, the distinguished former member of this body, Senator Herbert H. Lehman.

On the occasion of the dedication of the Herbert H. Lehman Village, the Honorable Robert F. Wagner, mayor of

the city of New York, made an address in which he not only dedicated the village in Senator Lehman's honor, but also presented to Senator Lehman the Gold Medal of Honor of New York.

Joining with Mayor Wagner in the ceremony was Manhattan Borough President Edward R. Dudley.

I know that my colleagues share with me deep pride in this latest honor to a former colleague who continues to hold our admiration and affection.

I ask unanimous consent, Mr. President, to have printed in the *Record* at this point the remarks of Mayor Robert F. Wagner and of Edward R. Dudley on Wednesday, September 11, 1963, in New York City.

There being no objection, the remarks were ordered to be printed in the *Record*, as follows:

REMARKS OF MAYOR ROBERT F. WAGNER

Today, in the name and praise of a beloved New Yorker, we dedicated the increase of our city's supply of decent, modern home facilities by 622 new units.

We call them units, but each unit is for a family and as a family, it is a man and his wife, in the case of elderly couples—and in this village there are 83 specially designed apartments for elderly couples. The rest of the units are for regular families: For small families, middle-size families, and big families, for Negro families, Puerto Rican families, Italian, Greek, Jewish—in short, for American families, for New York families.

The families that will live in this village will be distinguished by one common characteristic: they will be families whose overall incomes are low. They will be families needing the help which government can and must provide, to make homes available, at rents they can afford.

The Herbert H. Lehman Village is called a "village" because it is a village, a community, with a school on the site and others nearby, with its own community facilities and services, a community that will become part of a neighborhood that is part of our city.

New York City is proud of what we have been able to do here with the indispensable help of the Federal Government and its Housing Administration, the head of which is here today, a man President Kennedy picked right out of my administration, a very distinguished American, Bob Weaver, of New York City.

The 622 units in Herbert H. Lehman Village are part of the 120,600 units of low-income families which we in New York City have already completed, to date, in the 26 years the low-income housing program has been in operation. Last year alone we completed 3,226 apartments in this category, housing 13,455 individuals. In the past 9 years, we have built 53,000 public housing apartments for low-income families.

Today the New York City Housing Authority is the beneficent landlord for half a million New Yorkers.

In the past 5 years, we have been moving ahead to eliminate slum conditions. We have also built many new schools, new streets, new hospitals and many other public improvements requiring the relocation of low-income families. Many of these low-income families can find adequate shelter only in public housing. Today our need for low-income housing is greater than ever before. Today, public housing for low-income families holds the main key to our urban renewal programs. But at this very moment, we are at the end of our Federal allocations. The State government has actually been holding back on us. I am determined to fight as hard as I know how for all the authority and money that is needed—Federal and State—for more public housing for low-

income families, and, in general, for more housing opportunities for low-income families, housing that will be integrated, housing that will provide sound home conditions for the raising of families and the building of that healthy family life that is the basis of a sound city.

Of course, today it gives me special pleasure—indeed, it is a great privilege—for me, for the housing authority, and for the city of New York to give this village the name of Herbert Lehman.

Herbert Lehman has become not only a legend in his own time but to represent a noble tradition—a tradition of public integrity, of pure and unsullied purpose, of zealous dedication to high principle, and finally of a generous and modest humanitarianism.

Herbert Lehman represents all these values and more. He represents them because he practices them, because he embodies them.

The tradition of Herbert Lehman in public and political life is one of the chief treasures of our city, State and country—as precious as any I can think of—because that tradition is a standard by which other public men and women are and will be measured in the future. Herbert Lehman's life is an invitation to greatness on the part of others still to come, in generations yet to come.

This is why I am so greatly pleased with the naming of this development after Governor Lehman. To the extent that his valiant spirit may affect and inspire the people living here, this neighborhood as well as the city will benefit.

The life of Herbert Lehman has been one of devotion to the welfare of people, especially underprivileged people.

He has been not only a friend of the underprivileged but their fighting champion.

I know how proud he must feel to have this development in this neighborhood bear his name.

In the name of the people of the city of New York and of the government of the city of New York, I now declare the Herbert H. Lehman Village to be formally and officially dedicated and named.

Now I have an additional privilege. It is a surprise—a secret that I have been keeping for almost 6 months now—since March 28, which was Governor Lehman's birthday. That day, March 28, I proclaimed as Herbert Lehman Day—one of the few occasions in which a day has been proclaimed in honor of a living, a very much living, New Yorker.

In honor of that day, I gave an order which is finally going to be carried out today. I ordered that New York City's Gold Medal of Honor, usually reserved for visiting sovereigns, kings, and presidents, be awarded to Governor Lehman. Today I present to you, Herbert Lehman, the Gold Medal of Honor of the city of New York for all the many great works and generous acts you have performed during all the fruitful years of your life, for the people of this city of ours.

It is my proud privilege now to introduce to this audience for a brief response the patron of this development, former Governor, former Senator, the Honorable Herbert H. Lehman.

REMARKS BY EDWARD R. DUDLEY, PRESIDENT, BOROUGH OF MANHATTAN

This is an appropriate occasion to acknowledge a debt and express a feeling of gratitude to Herbert Lehman.

Our form of government is not a static concept, like a rock that has been carefully hewn and placed in a perfect vacuum.

It is organic. It changes and expands in scope to meet changing conditions and to serve better the needs of those governed. This elasticity of our Constitution is a major hallmark of the genius of the Founding Fathers who wrote it.

But the Constitution itself is not a self-changing document. It must be implemented by men. And, in a manner reminiscent of Lincoln and Franklin D. Roosevelt, Herbert Lehman dedicated much of his life to fighting social inertia and making our form of government reflect the aspirations and meet the needs of our people.

I do not pretend to know why this man, born into a family of substantial means, devoted the last ounce of his enormous energy to an all-out crusade for the common man.

Perhaps the reason is that the small man's greatest need is to have a big man speak and fight in his behalf * * * and God provides.

Perhaps the light that illuminates men with greatness shines into all homes, irrespective of race, creed, national origin, or economic status and only too infrequently finds a man who can reflect the warmth of its rays.

This much I do know. Herbert Lehman reached for the stars in his unending campaign to improve the lot of the common man whether he was acting as philanthropist, administrator of great humane enterprises, or as the holder of office of great public trust.

He demonstrated a soaring, almost poetic, view—in all his activities of the role America should play in promoting domestic tranquility and in exercising international leadership for peace and freedom. And he implemented that vision with remarkable industry, courage, and adherence to principle.

He proved anew that this Nation's greatest need is men in public life whose idealism and compassion and sincerity, and force of personality equip them to attack the walls of greed, prejudice and special interest with the force of a battering ram.

Herbert Lehman is one of these men. And I think I can say that the fury of his assault on the forces of reaction benefited peoples abroad as well as at home.

For America truly has been called the arsenal of democracy in time of war. Just as truly, it might be called the arsenal of democratic leadership, democratic ideals, and international good works in time of peace.

And it is fighters for social justice like Herbert Lehman who keep that arsenal of democracy strong against constant attacks by petty men who have no inkling of the glorious significance of the Declaration of Independence and the Constitution.

By his campaign to expand democracy at home, he not only helped make our form of government conform to the needs of our time; he helped maintain hope and inspiration for the oppressed in many corners of the earth.

I speak as the representative of Manhattan, where Herbert Lehman, and the wonderful family that has been such an inspiration to him, reside. I think it is particularly apt that I speak for Manhattan. For this is a many-splendored island. And chief among its glories have been and are the poor and the persecuted—formerly they came from many lands, now they come from many parts of our own Nation—who have fought and are fighting for liberty and freedom. It can truly be said that Herbert Lehman has done much for them.

It is in their name and my own and in the name of men of good will everywhere that I acknowledge a debt and express a feeling of gratitude to Herbert Lehman for idealism translated into action that has benefited all of us.

Therefore, it is fitting and proper that these buildings bear his name and I congratulate those responsible for this ceremony for their perception and their sense of fitness.

To Herbert Lehman and Mrs. Lehman, the people of Manhattan express their best wishes for many serene years.

FREE ELECTIONS AND THE POWER OF CONGRESS OVER VOTER QUALIFICATIONS

Mr. TALMADGE. Mr. President, there appeared in the October 1963, *Journal of the American Bar Association*, a scholarly essay concerning free elections and the authority of the Congress with reference to voter qualifications. This timely article was written by Wilfred J. Ritz, professor of law at Washington and Lee University.

Thoroughly documented and based on sound principals of constitutional law, Professor Ritz' essay makes the point that the qualifications of electors is a matter which addressed itself to the individual State and outside the purview of Congress.

Furthermore, with reference to alleged voter discrimination, Professor Ritz declares with great truth that the Federal Government already has sufficient and far-reaching power to eliminate such discrimination as this. He contends that the constitutional guarantee of free elections should not be infringed upon by congressional action in the area of voter qualifications.

Mr. President, Professor Ritz' paper, which won first place in the 1962 Samuel Pool Weaver constitutional law essay competition, should be studied carefully by all of those who urge the Congress to exceed its authority in this regard, and I ask unanimous consent that it be printed in the Record.

There being no objections, the essay was ordered to be printed in the Record, as follows:

FREE ELECTIONS AND THE POWER OF CONGRESS OVER VOTER QUALIFICATIONS

(By Wilfred J. Ritz, professor of law, Washington and Lee University)

The group of Americans meeting at Philadelphia in 1787 to draft a Federal Constitution did not have a crystal ball to reveal the parts of their final product that would endure and those that would soon become obsolete. The course of future events soon demonstrated, though, that one of the constitutional provisions was unsatisfactory and essentially unworkable. This was the third clause of article II, section 1, providing for the election of a President and a Vice President.

No other provision of the Constitution was as lengthy; none was more detailed or drafted with greater care. And yet, in this provision, the Founding Fathers had entirely failed to foresee the rise of political parties.¹ As a result, the constitutional machinery for election of the Chief Executive worked well only while the people were agreed that a national hero should be the President—a phenomenon extremely rare in American life.²

After President Washington had retired from political life, the system survived the close election of 1796,³ but very nearly broke down in the election of 1800, when the electoral votes were equally divided between Thomas Jefferson and Aaron Burr. Cooler heads prevailed and the tie was broken with-

out disruption of the American experiment in government.⁴ Nevertheless, if the situation had been left repeated, the developing passions of the period most probably would soon have torn the American system of government apart.

After due deliberation, Congress in December of 1803 submitted to the states a proposed amendment to the Constitution to remedy the situation. The proposal received the speedy consideration it deserved, and by the end of July 1804, had been ratified by three-fourths of the States. As the 12th amendment it was operative for the next presidential election, held in November 1804.⁵

Unlike the lengthy and detailed clause covering the method of election of a President and Vice President which so quickly proved unsatisfactory, the original Constitution contains short and simple clauses covering the elections of Senators and Representatives. Their very simplicity, suggesting casualness of draftsmanship, can be misleading. Actually, the clauses are among the most carefully constructed in the document, and they are designed to carry out a basic constitutional purpose, a purpose that was continued when the 17th amendment was added in 1913.

The records of the Convention⁶ show that it was deeply concerned with problems relating to the election of officials of the Federal Government. The Convention adopted a plan for the indirect election of the President and Vice President by use of an electoral college. Article II provides: "Each State shall appoint in such manner as the legislature thereof may direct, a number of electors," thereby leaving the method of selection and qualifications to the States, although Congress was authorized to establish the time of their choosing.

In the election of Members of Congress, the Convention was concerned with four principal problems: (1) The method of election of Senators, which was resolved by giving the power to the State legislatures; (2) the method of election of Representatives, which initially involved a decision as to whether they should be chosen by the people or by their legislatures; (3) after popular election of Representatives had been decided upon, it was necessary to establish the qualifications of their electors; and (4) the extent to which the States and Congress, respectively, should participate in regulating the times, places, and manner of holding elections of Senators and Representatives.

On May 29, 1787, Edmund Randolph, on behalf of the Virginia delegation, presented the resolutions known as the Virginia plan, which provided the basic framework for the Constitution.⁷ Randolph proposed a National Legislature to consist of two branches, the Members of the first to be elected by the people of the several States and the Members of the second to be elected by the first branch from persons nominated by the State legislatures. The National Executive was to be elected by the National Legislature.⁸

⁴ The electoral vote was 73 for Jefferson and 73 for Aaron Burr, thus throwing the election into the House of Representatives, where on the 36th ballot Jefferson was elected, receiving the vote of 10 States to four for Burr, with two not voting. Miller, *op. cit.* supra note 1, at 268.

⁵ Virginia Commission on Constitutional Government, "The Constitution of the United States," 39-41 (1961); Corwin, "The Constitution of the United States of America," S. Doc. No. 170, 82d Cong., 2d sess. 942 (1953).

⁶ Farrand, "The Records of the Federal Convention of 1787," 4 vols. (rev. ed. 1937), hereinafter cited as Farrand.

⁷ 1 Farrand 20.

⁸ 1 Farrand 20-21, 27-28.

Sitting on May 31 as a Committee of the Whole House, the Convention approved the resolution calling for a national legislature to consist of two branches. It then considered and debated the resolution calling for election of the first branch by the people, adopting it by a vote of six States to two, with two States divided.⁹ A few days later the Convention reconsidered, and again upheld popular election, this time by a vote of eight States to three.¹⁰

The New Jersey (or Patterson) plan, presented to the Convention on June 18, did not differ from the Virginia plan on this subject,¹¹ but during its consideration still another attack on popular election was narrowly defeated, when another motion to reconsider was voted down by six States to four, with one divided.¹² The Convention then agreed to election by the people of the first branch, with nine States in favor, only New Jersey opposed, and Maryland divided.¹³

On July 24 the Convention named a committee of detail to report a constitution conformable to the resolutions that had been adopted, among which were those calling for election of the Members of the first branch of Congress by the people and of the second branch by the State legislatures.¹⁴ Election of Senators by the State legislatures, without more, established the qualifications of electors of Members of one branch of the Congress. In order to provide for popular election of Representatives, the committee had to consider alternative methods of defining the qualifications of their electors.

CONSIDERATION OF ELECTION OF REPRESENTATIVES

The papers of the committee of detail show consideration was given to setting forth in the Constitution qualifications based on citizenship, manhood, sanity, residence, possession of real property or military service.¹⁵ The committee also considered adopting the qualifications established by the States, with Congress given authority to alter or suspend them.¹⁶ The final draft shows that the committee considered and deliberately struck out of its report a provision under which Congress would have been given the power to alter and supersede State provisions as to the qualifications of electors. Instead, the committee defined the qualifications of electors in the Constitution, denying the power of change to either the States or to Congress. This was done by providing that electors for the most numerous branch of the State legislatures should be electors for Rep-

⁹ 1 Farrand 46, 47-50, 54-55, 55, 56, 60. Election by the people was favored by Massachusetts, New York, Pennsylvania, Virginia, North Carolina and Georgia. New Jersey and South Carolina were opposed. Connecticut and Delaware were divided.

¹⁰ 1 Farrand 118, 124, 130, 132-138, 140-141, 142-144, 145, 147. The six States previously favoring popular elections were joined by Delaware and Maryland, while Connecticut voted with the States favoring election by the State legislatures.

¹¹ 1 Farrand 291, 300.

¹² 1 Farrand 353, 358-360, 364-365, 367, 368. The motion was defeated by the votes of Massachusetts, New York, Pennsylvania, Virginia, North Carolina and Georgia. The motion was favored by Connecticut, New Jersey, Delaware, and South Carolina. Maryland was divided.

¹³ Farrand 353, 360, 365. Before the final vote General Pickney withdrew a motion that the election by the people should be "in such mode as the legislatures should direct," when it was hinted that this might properly be left to the committee on detail, 1 Farrand 360.

¹⁴ 2 Farrand 106, 129.

¹⁵ 4 Farrand 40; 2 Farrand 151.

¹⁶ 2 Farrand 153, 163-165.

¹ Cunningham, "The Jeffersonian Republicans," 3-32 (1957); Miller, "The Federalist Era," 99-125 (1960).

² George Washington received all the electoral votes in the elections of 1789 and 1792.

³ The electoral college gave votes to 13 candidates. John Adams with 71 electoral votes was elected President and Thomas Jefferson with 68 votes was elected Vice President.

representatives.¹⁷ Except for minor stylistic changes, the final draft of the committee of detail was printed and delivered to the Convention on August 6.¹⁸

When the convention on August 7 considered the report an effort was made to limit the suffrage to freeholders. After full and extended debate the motion to make the change was defeated by the vote of seven States, with only Delaware in favor and Maryland divided.¹⁹ On the following day further doubts were expressed as to the wisdom of popular election, but the provision was approved without any State dissenting.²⁰ This ended the debate on the qualifications of voters.

On August 9 the Convention considered the power to be given to Congress to supersede State regulations as the time, place, and manner of holding elections. The debate shows Congress was given power to do so to insure the fair conduct of elections in the event some State legislature should attempt manipulation for selfish or nefarious purposes and that the provision has nothing to do with voter qualifications.²¹

On September 8 the convention named a committee of style, which rearranged the articles and phrased them somewhat more felicitously.²² With only one change, made by the convention to deny Congress any power over the place of election of Senators,²³ the provisions relating to elections were adopted and became a part of the completed Constitution.²⁴

CONSTITUTION USES TERM "ELECTORS"

In summary, then, it can be said that under the original Constitution representatives were the only Federal officials to be elected by the people directly. Article I, section 2, provides that representatives shall be "chosen every second year by the people." The phrase "by the people" simply means that representatives are to be elected by the people and not by State legislatures.

A different term is used to define the electorate, that is, the group of individuals who may actually vote for representatives. This term, used throughout the Constitution, is "electors." Article I, section 2, also expressly defines, indirectly, the qualifications of electors for representatives. It says that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

The very simplicity of the clause invites use of a shorthand form of expression, and has led to statements to the effect that the States establish the qualifications of electors for Representatives. As the U.S. Supreme Court pointed out in *United States v. Classic*, 313 U.S. 299 (1941), "in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States." Nevertheless, as the *Classic* case also pointed out, the qualifications of electors for Representatives are defined in the Constitution and are not defined by the States. The definition is in imperative terms—"the electors shall have."

Under article I, section 2, a State has no power to deny the right to vote for a U.S. Representative to a person qualified to vote as an elector for the most numerous branch of a State legislature, nor any power to give the right to vote for a Representative to a person who is not so qualified. Just as clearly, Congress has no power to deny the right to vote for a Representative to a person who is qualified to vote as an elector for the

most numerous branch of his State's legislature, nor any power to give the right to vote to a person who is not so qualified.

CONSTITUTIONAL AMENDMENTS ON VOTING ARE MANY

Elections and voting have been the subject of more constitutional amendments than any other single topic, as a listing of the amendments shows:

The 12th amendment, ratified in 1804, revised the method of electing the President and Vice President.

The 14th amendment, ratified in 1868, affects the subject in two respects: It provides for a reduction of representation in the House of Representatives whenever the right of male citizens 21 years of age and over to vote is abridged by a State for any reason other than participation in rebellion or other crimes. It disqualifies from further Federal or State officeholding any officeholder who having sworn to support the U.S. Constitution engages in insurrection or rebellion. The first provision has never been invoked to deny representation to a State, and the second has become obsolete with the passage of time.

The 15th amendment, ratified in 1870, prohibits denial or abridgment of the right to vote on account of "race, color or previous condition of servitude."

The 17th amendment, ratified in 1913, provides for the popular election of Senators. It follows the pattern set forth in the original Constitution by defining the qualifications of electors for this office. The electors in each State shall "have the qualifications requisite for electors of the most numerous branch of the State legislatures."

The 19th amendment, ratified in 1920, prohibits denial of the right to vote on account of sex.

The 20th amendment, ratified in 1933, revises and clarifies the method of election of the President in unusual situations.

Two of these amendments, the 15th and 19th, place direct restrictions on the qualifications the States may require of electors for State officials, and so indirectly these restrictions become limitations on the qualifications, as defined in the original Constitution and in the 17th amendment, of electors for Representatives and Senators. Otherwise, there are no constitutional restrictions on the qualifications the States may require of electors for State officials, and so also of electors of Federal officials.

In the summer of 1962 Congress adopted Senate Joint Resolution 29 proposing to the States another constitutional amendment dealing with voting qualifications. The proposed amendment prohibits the denial of a right to vote for President, Vice President, Senator, or Representative because of a failure "to pay any poll tax or other tax."²⁵ In this resolution the pattern of previous amendments is departed from, in that a State is permitted to establish a different qualification for electors to the most numerous branch of its own State legislature than the State can establish for the election of Federal officials. The proposed amendment, however, continues the present policy of denying to Congress all power to establish or change the qualifications of electors for Federal officials.

COURT DECISIONS DEAL WITH SUFFRAGE QUESTIONS

Since the Constitution so clearly defines the qualifications of the persons who shall be electors for Federal officials, no litigation involving the point could arise until after the adoption of the 14th and 15th amendments. In *Minor v. Happersett*, 88 U.S. (21 Wall.) 162 (1875), a woman claimed that, since presidential electors in Missouri were elected by the people, she as a citizen of the

United States was entitled to vote in such elections, so that the denial of the vote to her was prohibited by the privileges and immunities clause of section 1 of the 14th amendment. In accordance with the authoritative construction placed on that clause in the *Slaughter-House* cases, 83 U.S. (16 Wall.) 36 (1873), the Supreme Court rejected the contention, pointing out that the 14th amendment did not confer a right of suffrage on anyone. If the 14th amendment had done so, the 15th amendment would have been unnecessary.

The 15th amendment, as it applies to State elections, was construed by the Supreme Court in *United States v. Reese*, 92 U.S. 214 (1876), in which the Court said: "The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not."²⁶

In a series of cases the U.S. Supreme Court has considered the power of Congress under article I, section 4, of the Constitution to regulate the manner of holding elections. In these cases the Supreme Court has repeated time and again that the qualifications of electors are defined in the Constitution, and so are not subject to change either directly by the States or indirectly by Congress. In a leading case, *Ex parte Yarbrough*, 110 U.S. 651 (1884), the Court said: "The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualifications for voters for those to whom they nominate. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualifications of its own electors for Members of Congress."²⁷

This 1884 interpretation has not been departed from. The Supreme Court has recognized the power of the States to determine voter qualifications through the use of literacy tests²⁸ and poll taxes.²⁹ The Court has rejected the contention that since they are Federal officials some undefined power over the elections of Senators and Representatives rests in Congress.³⁰

IMPLICATION OF CLASSIC CASE IS UNSUPPORTED

The principal judicial support for a view that Congress has some power over voter qualifications is found in a dictum by Chief Justice Stone (then an Associate Justice) in *United States v. Classic*, wherein he said: "While, in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States, . . . this statement is true only in the sense that the States are authorized by the Constitution to legislate on the subject as provided by section 2 of article I, to

²⁵ See also *United States v. Cruikshank*, 92 U.S. 542 (1876).

²⁶ See also *Swafford v. Templeton*, 185 U.S. 487 (1902).

²⁷ *Guinn v. United States*, 238 U.S. 347 (1915); *Lassiter v. Northampton County Board of Elections*, 360 U.S. 45 (1959).

²⁸ *Breedlove v. Suttles*, 302 U.S. 277 (1937). See also *Pirtle v. Brown*, 118 F. 2d 218 (6th Cir. 1941), cert. denied, 314 U.S. 621 (1941); *Butler v. Thompson*, 341 U.S. 937 (1951), aff'd 97 F. Supp. 17 (E.D. Va. 1951).

²⁹ *Newberry v. United States*, 256 U.S. 232 (1921).

¹⁷ 2 Farrand 163-165.

¹⁸ 2 Farrand 176, 177, 178-179.

¹⁹ 2 Farrand 194, 201-208, 209-210.

²⁰ 2 Farrand 213, 215-216, 225.

²¹ 2 Farrand 229, 239-242, 244.

²² 2 Farrand 547, 553, 554, 590, 592.

²³ 2 Farrand 613.

²⁴ 2 Farrand 651, 653.

²⁵ S.J. Res. 29, 87th Cong., 2d sess., 108 CONGRESSIONAL RECORD 16589.

the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18."³¹

The implication that the powers of Congress under section 4 of article I may be used to restrict the powers of the States under section 2 of the same article is entirely without support in the history of the Federal convention of 1787 or in the prior decisions of the Court. If the reference had been to the power of the States to legislate under section 4, instead of section 2, the statement would have been in complete accord with the language and history of the Constitution and the judicial precedents. Consequently, there is a strong probability that the reference to section 2 was a slip rather than a considered citation.

CIVIL RIGHTS COMMISSION MAKES RECOMMENDATIONS

In its 1961 report the Civil Rights Commission made a general finding No. 1: "There are reasonable grounds to believe that substantial numbers of Negro citizens are, or recently have been denied the right to vote on grounds of race or color in about 100 counties in eight Southern States."³² To eliminate this discrimination a majority of the commission recommended that Congress adopt legislation prohibiting the States from denying the right to vote to any citizen of the United States "except for inability to meet reasonable age or length-of-residence requirements uniformly applied to all persons within a State, legal confinement at the time of registration or election, or conviction of a felony."³³ Two commissioners dissented from this recommendation.

The Civil Rights Commission unanimously recommended that Congress adopt legislation specifically directed at State literacy tests. A sixth-grade education, under the proposed legislation, must be accepted by a State as sufficient compliance with a literacy test so as to qualify the applicant to vote.³⁴ A bill to carry out this recommendation was introduced into the 2d session of the 87th Congress, but, in the face of a southern filibuster, failed of adoption. It has been argued, as by the Attorney General, that such legislation would not establish a voting qualification, but only substitute "an objective and easily ascertainable requirement" for determining a previously established voter qualification,³⁵ and so is within the constitutional power of Congress. This argument has been vigorously opposed.³⁶

Technically, the subject of what is or is not a voter qualification is outside the scope of this paper. However, since the purpose of legislation, such as that proposed in 1962 to restrict State use of literacy tests, is to permit persons to vote who otherwise would not be allowed to do so, the legislation necessarily restricts State control over voter qualifications to some extent. In this sense, whatever the particular terminology used, the proposed legislation gives Congress some control over voter qualifications. Consequently, it is appropriate to inquire into the reasons being offered for giving Congress power of this nature over voter qualifications.

ARGUMENTS FOR LEGISLATION ARE FOUND TO BE WEAK

Essentially, the arguments in favor of Congress's having power to establish voter qualifications are two: (1) to eliminate restrictions on the exercise of a right of suffrage, such as the poll tax; and (2) to eliminate discrimination in the qualification of voters, as in the administration of a literacy test.

The force of the first reason is relatively weak, as is shown by the fact that the constitutional amendment proposed by the 87th Congress regarding poll taxes wholly prohibits the use of a tax as a voter qualification in Federal elections, leaving no discretion with Congress to abolish or establish this type of qualification. Consequently, the principal argument for having Congress assert some power over voter qualifications is based on the thought that the exercise of the power will enable Congress to eliminate discrimination in the administration of qualification tests more effectively than can be done under its present powers.

This raises the question whether there are not other remedies now available to eliminate discrimination. Ever since the post-Civil War period there has been Federal legislation, which has been frequently augmented, designed to protect American citizens in the exercise of their right to vote. The effectiveness of this legislation has been debated. After Attorney General Kennedy, in testimony before the Senate Judiciary Subcommittee holding hearings on the literacy test bill, referred to particular examples of discrimination, the following verbal exchange took place between him and the chairman, Senator ERVIN, of North Carolina: Senator ERVIN. And I think all those situations could be cleared up with a few old-fashioned criminal prosecutions in the Federal courts.

Attorney General KENNEDY. Well, I appreciate your support on that, Mr. Chairman, but I tell you we are bringing those, but it is going to take a long, long period of time.

And I would like to have you join us in attempting to try to get rid of it so that it just does not go on, and we can pass legislation to deal with that problem and get rid of it much quicker than we could by bringing lawsuit after lawsuit.³⁷

This colloquy shows that even the proponents of congressional power over voter qualifications recognize that the Federal Government already has sufficient power to eliminate voter discrimination. The basic disagreement is not whether discrimination is to be eliminated, but how soon and by what methods.

Recent Federal court decisions do not show any lack of power in the Federal Government to eliminate voter discrimination. The activities of the Civil Rights Commission have been sanctioned by the U.S. Supreme Court.³⁸ Powers given by Congress to the Attorney General to inspect Federal election records have been upheld and implemented.³⁹ Furthermore, when the Federal courts have found discrimination to exist as a fact, they have affirmatively ordered the registration of persons qualified to vote.⁴⁰

³⁷ Id. at 273.

³⁸ *Hannah v. Larche*, 363 U.S. 420 (1960).

³⁹ *Kennedy v. Lynd*, 306 F. 2d 222 (5th Cir. 1962); *Kennedy v. Bruce*, 298 F. 2d 860 (5th Cir. 1962); *Dinkens v. Attorney General*, 285 F. 2d 430 (5th Cir. 1961); *In re Coleman*, 208 F. Supp. 199 (S.D. Miss. 1962).

⁴⁰ *Alabama v. United States*, 304 F. 2d 583 (5th Cir. 1962). On October 22, 1962, the U.S. Supreme Court granted certiorari in this case and in a per curiam opinion affirmed the judgment below. 371 U.S. 37. *United States v. Manning*, 206 F. Supp. 623 (W.D. La. 1962).

The establishment of voter qualifications under the Federal Constitution is based on the principle that complete objectivity and self-interest are mutually exclusive concepts. Since the Members of Congress have a large self-interest in their own elections, and in certain instances they may be required to participate in the election of the President and Vice President, Congress can never take a wholly disinterested view toward the subject of voter qualifications.

This was recognized by the Federal Convention of 1787, and so power over voter qualifications was entirely denied to Congress. Similarly, in 1913, when the Constitution was amended so as to require popular election of Senators, the policy of denying to Congress power over voter qualifications was continued.

Conditions have changed since 1787. As time has gone by, the right to vote has been accorded ever greater significance in the pattern of American government. Even so, the primary, if not the only, purpose to be served by having Congress assert power to fix voter qualifications seems to be to provide an additional weapon against voter discrimination. Discrimination must be eliminated and can be with the powers now available to Congress. As important as the objective is, an even more fundamental right is involved.

The basic right guaranteed to the people of the United States by the Federal Constitution, particularly by article I, section 2, and the 17th amendment, is a right of free elections. Truly free elections can exist only if the elected cannot influence their continued election by manipulation of the members of the group that constitutes their electors. For this reason, the Constitution establishes the qualifications of electors for Federal officials by a readily ascertainable and completely objective standard. This objective standard is beyond the power of the Federal Government to change, except by going to the States and the people to seek a change through the process of constitutional amendment. History demonstrates that when change has been needed, the necessary constitutional amendments have been forthcoming.

Under the Federal Constitution the people have reserved to themselves power to change the qualifications of voters for Federal officials. Since this is the fundamental principle on which the American system of free elections is based, the present constitutional guarantee of free elections should not be weakened by giving Congress power to establish voter qualifications.

SOCIETY OF THE CINCINNATI

Mr. SIMPSON. Mr. President, Wyoming is justly proud of the fact that she is represented in the House by a direct descendant of the great Benjamin Harrison of Virginia, who was speaker of the Virginia House of Delegates and Governor of Virginia, who was a signer of the Declaration of Independence and a member of the Virginia convention which ratified the Constitution, and who was the father of President William Henry Harrison and the great grandfather of President Benjamin Harrison. Representative WILLIAM HENRY HARRISON of Wyoming is a direct descendant of both of these Presidents and is a cousin some generations removed of Senator A. WILLIS ROBERTSON, of Virginia, who is a direct descendant of Nathaniel Harrison, a brother of Gov. Benjamin Harrison.

Last Saturday Senator ROBERTSON was admitted to membership in the Society of the Cincinnati, a patriotic society

³¹ 313 U.S. at 315.

³² U.S. Commission on Civil Rights Report, Book 1, voting 135.

³³ Id. at 139.

³⁴ Id. at 141.

³⁵ Hearings on S. 480, S. 2750, and S. 2979 before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, 87th Cong., 2d sess. 263, 265, 310 (1962).

³⁶ See, for example, comments made by Senator ERVIN during testimony of Attorney General Kennedy. Hearings, supra note 41, at 261-291.

originating at the close of the Revolutionary War under the leadership of George Washington, its first president general, and limited in membership to officers who had served in the continental service for 3 years during the Revolutionary War and their descendants, preference being given in each line of descent to the eldest son.

The meeting of the Virginia society, held at the Commonwealth Club in Richmond, Va., on the anniversary of the surrender of Lord Cornwallis and Washington's victory in the Revolutionary War, was attended by the president general of the society, Mr. Francis Whiting Hatch of Massachusetts, and Col. Charles Warren Lippitt of Rhode Island, the vice president general. Mr. Hatch wore at the meeting on the lapel of his dinner coat the diamond studded emblem of the society made by a famous jeweler in Paris and presented to George Washington by the French naval officers who had served under him during the Revolutionary War. Vice President General Lippitt wore the original emblem of the society, which was designed by the great French engineer, Pierre L'Enfant, which was worn by George Washington up to the time he received the diamond studded emblem. After Washington's death, his widow presented the diamond studded emblem to Alexander Hamilton, the society's second president general. Later the emblem was formally presented to the society, which preserves it at its national headquarters in Washington, Anderson House, except when it is being worn by the president general at annual meetings and other state occasions. The other Washington emblem is likewise preserved at Anderson House, except when it is being worn by the vice president general at state occasions.

Information about these famous emblems of the Nation's most exclusive patriotic society and much additional information about the society are set forth in an interesting paper by Mr. Foster Stearns entitled, "The Society of the Cincinnati in New Hampshire."

Mr. President, I ask that excerpts from the essay may be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE SOCIETY OF THE CINцинATI IN NEW HAMPSHIRE

(A paper read before the Exeter Historical Society, February 10, 1953, by Foster Stearns)

I don't know whether it makes it easier or harder in talking about the Society of the Cincinnati that it should be unlike anything else. Those who drew up its so-called "institution" had no precedents to guide them, and the more recent patriotic societies have not, for the most part, attempted to imitate it in any detail. So it remains in a class by itself, going its own way by its own rules.

The New Hampshire Society is the only one of the 13 State societies to own real estate, and I suspect it is that constant reminder of its existence, the old house around whose sloping grounds cars swing when entering the center of the town, that has led your committee to ask me to tell its story this evening.

The first distinctive feature of the Cincinnati to be mentioned is that membership

was restricted originally to officers of the Continental Line, and descent from such officers is, with rare exceptions, the present requirement for belonging to it. Everyone knows that the American Revolution was begun by minutemen—the local militia, James Stevens of Andover, Mass., kept a diary which begins abruptly: "April ye 9, 1775. This morning about seven o'clock we had alarm that the Regulars was going to Concord. We gathered at the meeting house and then started for Concord." He remained in camp at Cambridge, and on July he says, "We preaded to receive the new general (Washington). The general come in about noon."

This was the homespun sort of material that offered the first opposition to King George's redcoats. The minutemen acted at the risk of their lives, and their descendants have just cause to be proud of them. The fact remains however that for the most part they were not very soldierly material; and the general from Virginia had some pretty unkind things to say about them in his diary.

From then on, until Cornwallis' surrender at Yorktown presaged the end of the war, it was Washington's chief concern to replace the local militia, paid by and responsible to the several Colonies, by what we should call now a "Regular" Army—troops enlisted for a longer period of service, organized, indeed, by States, but paid (when they were paid at all) by the Continental Congress. This "Continental Line," under the discipline and training of competent officers sprung from the soil like Gen. Henry Knox, together with experienced Europeans like the Baron von Steuben, had been formed into an effective fighting force with a high morale—high, at least, compared to their brethren of the militia. These latter had long since been dispersed to their homes when in May of 1783 the Regular Army was lying in cantonments near Newburg on the Hudson, awaiting the news of the signing of the treaty of peace which would be the signal for them in turn to be disbanded.

The idea of a postwar association seems to have originated with General Knox, who was talking of something of the kind as early as 1776. It was the sort of idea that would make something to discuss in the long winter evenings when the troops were in winter quarters; and Knox consulted von Steuben about European practices. All we know is that when the matter came to a head, these two were the leading spirits.

A meeting was called, composed of one officer from each regiment and all the general officers, who met on May 10, 1783, and went over, paragraph by paragraph, a proposal which had been drawn up for their consideration. A committee took 3 days to incorporate amendments into a revised draft, and at another meeting held at General von Steuben's quarters in the Verplanck House at Fishkill on May 13, 1783, the proposals were signed, and the Society of the Cincinnati came into being. The Verplanck House, birthplace of the society, stood till 20 years or so ago, when it was destroyed by fire.

Let us look a little more closely at the newborn fraternity.

In the first place, its name. I assume you all remember from your school days the story of Lucius Quintus Cincinnatus, as told by Livy; but perhaps I may be permitted to remind you of the details. In the early days of Rome, Livy tells us,

"Five horsemen bore tidings to Rome that the army was besieged. The people were sorely dismayed, . . . nor . . . saw they any man that might be sufficient in this time of peril, save Lucius Quintus Cincinnatus. By common consent, therefore, he

was appointed Dictator for six months and messengers were sent to tell him. He was cultivating with his own hands a plot of ground and when the messengers of the people came they found him plowing. The messenger said: 'Put on thy robe and hear the words of the people.' Then Cincinnatus, astonished, called to his wife Racilia, that she should bring forth his robe from the cottage. So she brought it forth, and the man washed from himself the dust and the sweat and stood before the messengers. These said unto him: 'The people of Rome make thee Dictator and bid thee come forthwith to the defence of the land.' Under the lead of Cincinnatus the invader was soon driven out of the country. Thereupon he resigned his dictatorship, and returned to the plow."

It was this last point especially that led the founders of the society to give his name to their child. They wrote: "The officers of the American Army having been generally taken from the citizens of America, possess high veneration for the character of that illustrious Roman, Lucius Quintus Cincinnatus, and being resolved to follow his example, by returning to their citizenship (i.e., to civilian status) they think they may, with propriety, denominate themselves the Society of the Cincinnati." Note that the word "Cincinnati" is in the plural. Every officer returning to his farm, or whatever, was a modern Cincinnatus, and banded together they formed a Society of Cincinnatuses.

In the early days of expansion of the new nation, in 1791, a town was laid out on the banks of the Ohio River, to which the army officer in charge, a Colonel Symmes, gave the name of Cincinnati, apparently as a compliment to Gen. Arthur St. Clair, an original member of the society, who was then in command in the Northwestern Territory. This is the origin of the name of the great Ohio city of today, which must have puzzled many people, especially with its curious ending in "i."

The founders declared that "the officers of the American Army do hereby in the most solemn manner associate, constitute, and combine themselves into one Society of friends, to endure as long as they shall endure, or any of their eldest male posterity and, in failure thereof, the collateral branches, who may be judged worthy of becoming its supporters and members;" and having explained their choice of a name, they went on to set forth the principles of their order in noble words which are still read at the opening of every meeting:

"The following principles shall be immutable and form the basis of the Society of the Cincinnati:

"An incessant attention to preserve inviolate those exalted rights and liberties of human nature for which they have fought and bled and without which the high rank of a rational being is a curse instead of a blessing.

"An unalterable determination to promote and cherish, between the respective states, that union and national honor so essentially necessary to their happiness and to the future dignity of the American empire.

"To render permanent the cordial affection subsisting among the officers. This spirit will dictate brotherly kindness in all things, and particularly extend to the most substantial acts of beneficence towards those officers and their families who unfortunately may be under the necessity of receiving it."

Of course there was but one thought as to who should be the first president general of the new society, and a committee was appointed "to wait upon his excellency the commander in chief, with a copy of the Institution, and request him to honor the society by placing his name at the head of it." Washington accepted at once. He still held

¹ Essex Institute Historical Collection, 48: 41-489.

the office at the time of his death, 17 years later, and always took a real and active part in its affairs.

The institution called for the organization of State societies. A call to New Hampshire officers was issued by Gen. John Sullivan of Durham for a meeting to be held at the Folsom Tavern in Exeter; and there, on November 18, 1783, the New Hampshire Society had its birth.

It was by no means all plain sailing for the new organization. There were perils within and perils without. In the first place, the need for "acts of beneficence" was not imaginary. Life was hard in the unorganized little nation, and many of the retired officers could not afford even the donation of 1 month's pay which was all that was asked of them as a membership fee, and this was truer in New Hampshire than in the larger States. Others, no doubt, were just not interested, and the work of getting organized was slow everywhere. Nonetheless, it was accomplished; and the task of caring for needy comrades, and for widows and orphans of those who had fallen, began at once.

No sooner had the news of this first "veterans' association" reached the public, however, than a fierce and quite unlooked-for storm burst upon it. The first attack came from Judge Aedanus Burke, of South Carolina, who sought to prove, according to the title page of his pamphlet, "that it creates a race of hereditary patricians or nobility." This animosity to the hereditary feature was easily fanned into a flame among democratic Americans. As a general thing, leading men who had rendered military service were favorable to it, even when themselves not eligible for membership; but John Adams took a strong line against it, even going to the trouble of trying to show that the late L. Q. Cincinnatus was a much overrated hero; while Jefferson was perhaps the most excited of all. Politicians had their ear to the ground then as now, and in some State legislatures there was talk of taking action to prohibit the society, but nothing of the sort was actually done anywhere.

All this unexpected opposition worried Washington considerably. In his thorough and methodical way he wrote to correspondents all over the country, sounding out opinion, and when the first triennial general meeting assembled in Philadelphia in the following May, with Washington in the chair, it was voted to abolish the hereditary principle. However, the institution provides that legislation by the general meeting must be ratified by the State societies before it becomes effective. This was never done; the excitement died down almost as quickly as it had arisen, and the hereditary feature has kept the society alive to the present day—nor has it wrecked our American democracy, as its critics were so sure it would do.

Another provision of the institution was for the designing of a medal to be worn by the members. With the zeal of amateurs they rashly went into minute details as to what was to be put on this decoration—and like most amateurs, they wanted to crowd on too much. By good fortune the matter was put into capable hands, those of Major L'Enfant, the French engineer who later laid out the city of Washington. He objected to the idea of a medal, and submitted a design for a badge in the form of an eagle, bearing the general design of the medal miniature on its breast. This was fortunately accepted, and Major L'Enfant undertook to have a supply of them made in France.

As I have said, societies were at once started in each of the 13 Original States. There was another group however which wanted to be in on any new decorations that were being distributed; namely, the officers of the French Army and Navy who had served with the forces that cooperated

with Washington. A French Society was thereupon organized. It was disrupted by the French Revolution which broke out in the next decade, but has been revived, and despite a rather checkered career it still exists today. The last roster of this society lists over 100 hereditary members, descended from our French allies of the 1780's, and the French Society sent delegates to the last triennial (Charleston, 1950).

The Comte de Ségur has something to tell in his "Mémoires" of the interest that the new decoration aroused in France:

"At this time I received, like all the French colonels who had served in the American war, authorization to wear the decoration of the American Association of Cincinnati, which the illustrious General Washington sent us. . . . This decoration was a gold eagle suspended from a blue ribbon with white border; on one side Cincinnati was depicted leaving his rustic hearth to take up arms as a dictator; on the other he was seen laying down his sword and shield and resuming the plow. A decoration so novel, so republican, shining in the midst of the capital of a great monarchy, might have given much to think about, but no one bothered about that. However, evident was the impression produced by the sight of this warrior's palm on our breasts, and of attracting to ourselves, in the public promenades, the stares of a crowd of idlers such as the least novelty attracts and gathers."²

The French naval officers were responsible for what is perhaps the most interesting Washington relic in existence—an eagle of the society executed in diamonds, which they presented to Washington. The general's widow gave it to Alexander Hamilton, who succeeded him as president general. It is now the property of the general society, for whom it is held by three trustees; and it is worn by the president general at triennial meetings and on other occasions of state. It is worth seeing in itself, aside from its historical importance.

As the years passed, and the original members with them, it was shown how idle were the fears that had been excited by the hereditary feature. Some failed to take up their fathers' membership; many moved away from old surroundings to the new lands in the West, and gradually a good many of the State societies simply petered out and ceased to be. Only Massachusetts, New York, New Jersey, Maryland, Pennsylvania, and South Carolina have maintained an unbroken existence. At the turn of the century, however, when the centennial of Washington's inauguration in 1789 brought an increased interest in historical studies, the other 7 societies were reborn, and all 13 are now in a flourishing condition.

I spoke at the beginning about the limited field of eligibility for membership. Without going into details, which would bore you, and which differ slightly in the different States, I would like to tell you that the Cincinnati is not quite so exclusive as it is often accused of being. In the first place, of course, the names of all the officers of the Continental Line are on record, and the society has published a list of them, to the number of over 5,700.

The hereditary membership is now the largest it has ever been since the first early days (over 1,600 in 1950), which means that several thousand lines have no representative. A certain proportion of these officers simply dropped out of sight leaving no trace, but it still remains true that there are plenty of vacancies in the society's ranks, and the society, far from being exclusive, is anxious to see them filled. The New Hampshire Society recently prepared a list of officers who are not today represented, and published it

in the genealogical register, with an invitation to descendants to prove their lines and claim membership, but the responses have been few. The rules of inheritance are much like those for any other property—a direct heir in the male line has first right, but failing any such, a female line or even a collateral line may make claim. In this case, however, there is no division as there might be in settling an estate; the one male person who can show he is nearest of kin bears away the palm (or in this case, the eagle).

While quite a number of Presidents of the United States have been elected honorary members, only one besides Washington has been a hereditary member, and that was New Hampshire's Franklin Pierce. Old General Pierce, his father, was a lieutenant in a Massachusetts regiment, and an original member of the Massachusetts Society. At his death the membership passed to his eldest son, and from him to his younger brother Franklin. There died recently a Col. Chandler Smith, who was the grandson of an original member, but of course that can never happen again.

Two things more about membership need mention. I have spoken of State societies; and to this day there are in this country only the 13 societies established in 1783. By the very nature of the hereditary principle a membership remains in the society in which it originated, so that one normally belongs where one's ancestor belonged, regardless of one's place of residence. In the case of New Hampshire, comparatively few of its members are residents of the State, though several have summer homes here. The Honorable Sinclair Weeks is an example of one who belongs to New Hampshire by heredity, although he has always lived in Massachusetts.

You may notice that I keep speaking of "hereditary" members. Some people are surprised and even shocked to learn that such an institution has any honorary members. Provision was made for these, however, in the original institution; they are to be admitted without rights of succession, "provided always that the number of honorary members in each State does not exceed a ratio of four to one of the officers or their descendants."

As a matter of fact this type of membership has always been much more sparingly bestowed, and many distinguished Americans have been proud to accept it, including, as I have said, a number of Presidents of the United States. I was the guest of the Virginia Society at a meeting held in the pre-Revolutionary Rising Sun Tavern in Fredericksburg in 1941, when the eagle of the society was conferred on General Marshall as an honorary member.

Although New Hampshire is the only State society to own a house, the general society has in recent years acquired a most impressive home in the National Capital, and this too has its connection with New Hampshire. Capt. Larz Anderson, of Cincinnati, Ohio, was a hereditary member of the Virginia Society. He married Isabel Weld Perkins, of Boston and Contoocook, N.H., whose father, Commodore George H. Perkins, USN, is commemorated by a statue on the grounds of the State House in Concord, and they built a magnificent house—palace is really the proper word for it—in Washington. During the Theodore Roosevelt administration Captain Anderson was Minister to Belgium and later Ambassador to Japan. He died in 1937, and his widow, in accordance with his expressed wishes, presented the house to the general society. He had had this in mind when he built it, and the eagle emblem is carved in its stonework in several places. The house is used for general headquarters and meetings, and is often the scene of distinguished gatherings for which it is lent by the society.

² *Mémoires, Souvenirs et Anecdotes par M. le Comte de Ségur, Paris, 1826, Vol. 2, pp. 43-47.*

I have rambled in the bypaths of history, mentioning things that came to mind, and perhaps leaving out some important ones. I hope, however, that I have given you some ideas of the nature of this unique society, and have explained the reason for its interest in the Gilman house. It remains only to say how grateful not only we, but succeeding generations should be to patriotic groups such as the New Hampshire Cincinnati, who undertake the preservation and maintenance of some of the few historic houses that still remain to us, and by their restoration and furnishing help to make history live again.

SENATOR GOLDWATER

Mr. SIMPSON. Mr. President, no name since Eisenhower has inspired the peoples of the free world like that of BARRY GOLDWATER. To people on both sides of the Iron Curtain Senator GOLDWATER's name has become synonymous with words like victory and freedom. In America the name GOLDWATER has rekindled our belief in "America's national interest" and other terms which some in our midst seem to consider corny.

The extent to which Senator GOLDWATER's philosophy and views have been disseminated can be understood from an October 15 editorial by Alice Widener which first appeared in U.S.A. magazine. Miss Widener notes that "Senator BARRY GOLDWATER wants Uncle Sam's hand to be strong, free, generous but thrifty, friendly, but not open to blackmail, and holding up the American flag as a symbol of our inviolate national sovereignty. What BARRY GOLDWATER obviously wants for the United States," the writer continues, "is protection of our own best interests and the offering of hope to enslaved people."

Although Miss Widener takes strong exception with the thesis of a New York Times editorial, her article nevertheless presents an important insight into the GOLDWATER image abroad.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOLDWATER AND OUR NATIONAL INTERESTS
(By Alice Widener, publisher, U.S.A. magazine)

NEW YORK CITY.—James Reston, New York Times bureau chief in Washington, D.C., recognized as a fact in his column of October 9 that Senator BARRY GOLDWATER has become the American presidential candidate for 1964 most dedicated to serving and protecting our country's own national interests first. Thereafter, Mr. Reston made the most outrageously prejudiced statement against Senator GOLDWATER that has so far appeared in a major newspaper.

After conceding "BARRY makes them think," Mr. Reston went on to state, "He is almost the only thing all the allies, all the enemies, and all the neutrals agree on: they don't want him."

I shall not pretend to speak for all our allies, all our enemies, and all the alleged "neutrals." All I can do is to report faithfully on what I read and heard in London, Brussels, Milan, Turin, Rome, NATO Headquarters at Naples, and Madrid during May-June-July 1963. And in Madrid I was the only American journalist at an international information conference attended by outstanding representatives from 22 nations in Europe, Asia, Africa, and Latin America.

Moreover, I feel compelled to explain in all due modesty that while abroad I can read a great deal of what people are writing, and overhear what they are saying in public, because it happens I understand and read French, German, Spanish, Russian, and Italian.

Last spring and summer in Europe, I heard many people ask one another hopefully, "Do you think GOLDWATER has a chance?" and "If only GOLDWATER were President, things might be better." Everywhere I found among intelligent anti-Socialists a very great dissatisfaction with U.S. foreign policy as practiced by our present administration. Not once did I hear the name "Secretary Rusk." He seemed to be the man who wasn't there. But I often heard critical mention of the names "Arthur Schlesinger" and "Jerome Wiesner" and "Walt Rostow." Also I heard much criticism of "Mr. McNamara" and "Mr. Bundy" and "Mr. Bohlen." The main accusations against the administration were "They are trying to create Socialist governments everywhere"; and "They are endangering the advanced nations' prosperity by their extravagance and Utopian schemes undermining the U.S. dollar."

James Reston, a "liberal" Democrat and partisan columnist openly backing one major political party in our country, writes as if all worthwhile foreigners also were fellow partisans sharing his own ideology. They are not. But pretense that they are so left-of-center is the main intellectual misdeed of our "liberals" and is largely responsible for our Nation's major defeats in foreign policy.

Throughout the world there are brilliant, honorable men and women holding executive positions in government and all other fields who are goodhearted conservatives, wishing to preserve the best historical traditions of human society and believing that charity begins at home through protection of their own country's individual best interests. Moreover, these men and women believe that patriotic nationalism such as Senator GOLDWATER professes is the soundest basis for promotion of peaceful international relations among nations.

Scornfully, James Reston coined the smart aleck adjective "De Gaulledwater" and charged that the more French Foreign Minister Maurice Couve de Murville "argues against Kennedy, the more ammunition he provides for GOLDWATER."

What kind of ammunition is M. de Murville passing out? Not potshots at our country, but telling arguments against the Kennedy administration's "grand design" for accommodation with Khrushchev, for neutralization of West Europe, for agreement to the permanent captivity of East Europe, and for cutting down U.S. military superiority to effect a balance of power between our great Nation and a near-bankrupt, hungry Russia ruled by a cruel Red dictatorship bent on world domination.

The ammunition used by De Murville was taken from the arsenal of General de Gaulle's great moral stronghold in a France which he miraculously rescued in 1958 from political, social, and economic chaos resulting from years of inefficient, corrupt Socialist governments. De Murville drew heavily in his recent talks with President Kennedy on General de Gaulle's speech at Lyons on September 29. In it, De Gaulle said:

"Though we see in the United Nations Organization a useful forum . . . we would not agree to its building itself up into a sort of superstate which would try to impose on us anything whatsoever that concerns us."

"Though we consider the Atlantic Alliance to be absolutely necessary, we reject for ourselves in its organization any system that would deprive us of the disposition of our forces and the responsibility for our defense."

De Gaulle also hoped that France would offer to all kinds of nations a good example and "a consolation," and he asked, "In

Europe, how many of those now bent under the foreign yoke of the Soviets draw secret hope from this?"

What BARRY GOLDWATER obviously wants for the United States is protection of our own best interests and the offering of hope to enslaved people through our good example and effective consolation.

James Reston, of the New York Times, asserted, "BARRY is the bogeyman of almost all ambassadors in the capital; the hard man on foreign aid, the Russians, the test ban, and Castro."

Mr. Reston chose to overlook the fact that many ambassadors are sent to Washington with hat in hand for U.S. Government hand-outs, and are instructed not to bite the hand that feeds them U.S. taxpayers' earnings, even though that hand may eventually be crippled from overextending giveaways and overmeddling in other nations' internal affairs. Mr. Reston also omits mention of the fact that only three of all ambassadors in Washington represent nations with nuclear power.

Senator BARRY GOLDWATER wants Uncle Sam's hand to be strong, free, generous but thrifty, friendly but not open to blackmail, and holding up the American flag as symbol of our inviolate national sovereignty. If that makes him a bogeyman and an American unwanted by all our allies and enemies, and by all neutrals (how can a true neutral be against anyone?), then we Americans might as well drop dead now and not wait for our Nation to be wiped off the face of the earth.

BETANCOURT OF VENEZUELA

Mr. HUMPHREY. Mr. President, I would like to call attention to the excellent column by Rowland Evans and Robert Novak appearing in this morning's Washington Post analyzing the challenge to constitutional government in Venezuela, and describing President Betancourt's vigorous and courageous response to it. Despite an organized assault by terrorists on the left and periodic pressure from dissident reactionaries on the right, Betancourt has persevered in his determination to bring social and economic progress to Venezuela within the framework of free democratic constitutional government. He is determined to be the first Venezuelan President to serve out his full 5-year term, and he is going to succeed in this.

Mr. President, I have stated several times that the Government of Venezuela must receive our priority support in this hemisphere. We cannot permit it to be toppled either by the violent attacks of the left or by the plotting of any generals on the right. In the light of recent events in the Caribbean, our Government must leave no one in doubt that Venezuela enjoys top priority for support, that the United States stands ready to give it all possible assistance. This should be well understood by any military plotters on the right who might be tempted to emulate their colleagues in certain other countries. It is a tribute to the large majority of the military in Venezuela that they have continued to support the constitutional government of President Betancourt. This should be a lesson to be followed by other military groups in this hemisphere.

Mr. President, as we move to debate on the foreign aid bill in the Senate next week, I believe my colleagues should take notice of the accomplishments of President Betancourt's government under the

Alliance for Progress as he nears the completion of his term. Venezuela is one country which has preserved constitutional government and has moved ahead to implement the social and economic reforms called for under the Alliance for Progress.

Mr. President, I ask unanimous consent that the column by Mr. Evans and Mr. Novak to which I earlier referred be printed at this point in the RECORD.

I also ask unanimous consent that an article from the New York Times of October 17, 1963, entitled "Betancourt Calls Social Reform Key to Red Defeat," be printed at this point in the RECORD.

There being no objection, the column and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 21, 1963]

BETANCOURT'S SURVIVAL

(By Rowland Evans and Robert Novak)

CARACAS.—Though gunshots still echo through the streets of Caracas each night, Venezuela's President Romulo Betancourt has in fact won his war of survival against the Communists—a victory that drives home two lessons for Latin America.

First, there is no substitute for physical repression in subduing armed Communist insurgents. Social reform, exhortation, and democratic tactics are not enough. Betancourt began to contain Communist terrorism only 2 weeks ago when he ordered the arrest of Communist congressmen and dispatched the army into the streets to track down terrorists.

Second, and more important, this kind of anti-Communist crackdown need not be the excuse for a military takeover and suspension of civil liberties. Betancourt has shown that a left-of-center reformist can rough up the Communists. What makes this performance the more remarkable is that it hasn't interfered with a vigorous seven-man race for the presidency (Betancourt cannot succeed himself).

Actually, the goal of Communist terrorists in recent months has been prevention of the December 1 election by provoking a rightwing military coup. Industrialized and urbanized Venezuela today is no banana republic, where 10 generals can oust a government in 10 minutes. An attempted coup here might produce another Spanish civil war with Communists as part of a popular front.

That's precisely what the Communists want, and so they concentrated all summer on terrorizing the army. They raided army barracks, burglarized officers' homes, even attempted to assassinate the Defense Minister at the Air Force's skyscraper headquarters in the heart of downtown Caracas.

This led to demands last month from one group of officers for tougher treatment of Communists. But Betancourt stubbornly insisted on working within the framework of constitutional democracy.

After a poll of army barracks around the country showed most officers loyal to him, the President refused to grant the demands.

But on September 29, Communist provocations hit a new low. Red gunmen shocked the country by murdering five members of the National Guard (an elite force, roughly equivalent to the Canadian Mounties) on an excursion train.

Whether the military then forced Betancourt's crackdown or whether the President acted on his own is academic. Probably it was a combination of the two. The generals no longer would tolerate half measures, but Betancourt himself was so incensed by the train massacre that he was determined to act. At any rate, his action removed the danger of an army coup.

This climax was another in a long string of Communist failures. Attempts at outright insurrection by Communist-infested marine detachments, assassination of Betancourt, sabotage of vital oil production, guerrilla activity in the Falcon Mountains—all have flopped.

But communism's real failure here is its inability to win men's minds in a poverty pocked land, theoretically vulnerable to Red doctrine. It has been 2 years since the Communists attempted a street rally. Nor have there been any demonstrations against the present crackdown. On the contrary, tired of being kept awake by terrorists' machine-gun fire every night, Caracas residents welcome a get-tough anti-Communist policy.

In truth, communism has no real mass movement today in Venezuela, its principal South American target. Communists have no following of substance in the labor movement or even the hideous slums of Caracas. Instead of aiding Communist guerrillas in the hills, the peasantry turns them in to the authorities.

What's causing all the trouble is a small (probably less than a thousand) band of young, middle-class Caracas intellectuals, many of them students. Nobody believes these well-armed, fanatical terrorists will be wiped out any time soon. Betancourt's successor will have his hands full.

Yet, it will be an impressive feat in itself if Betancourt becomes the first Venezuelan President ever to complete his constitutional term of office, as now seems probable. It excuses obvious shortcomings by Betancourt's government in attacking economic and social problems. When somebody's trying to burn the house down, it's not easy to fix the roof.

[From the New York Times, Oct. 17, 1963]

BETANCOURT CALLS SOCIAL REFORM KEY TO RED DEFEAT

CARACAS, VENEZUELA, October 16.—Romulo Betancourt jabbed his desk with his stubby forefinger and spoke in bursts of urgent, forceful Spanish.

"The Communist threat in Latin America is real, but we cannot believe that only repressive measures against Communists are sufficient," the Venezuelan President said in an interview. "We must combat poverty, poor distribution of wealth and antiquated structures of Latin-American economies."

"The effort in this decade to face these problems is decisive."

He stopped, clinched bomb-scarred hands together and thought for a moment.

"The experience of Venezuela demonstrates it can be done," he added.

At 55 years of age Dr. Betancourt has run a democratic Government in Venezuela for 4½ years. To keep it going he has fought Communists and rightwing terrorists alike. He has built schools, homes and hospitals, and has introduced land reforms. He has started to clean up massive city slums and to diversify industry and agriculture.

STRUGGLE TO CONTINUE

Nearing the end of his elected 5-year term, President Betancourt is convinced that Venezuela's achievements prove that battles with communism and rightist dictatorships in the hemisphere can be won. But he recognizes that the struggle is still far from over in Venezuela and elsewhere.

Better than most, Dr. Betancourt can appreciate the dangers that lie ahead for he has been both ruler and revolutionary.

A stocky, dynamic man who speaks insistently and gestures frequently, he has a reputation for courage, honesty, idealism and a wily sense of politics. His greatest voter strength has been among back-country peasants and labor elements. His greatest weakness is said to be in administrative ability, but he has some able administrators under him.

The red scars on his hands came from burns he received in a 1960 bomb attack that nearly killed him. The attack was the work of rightwing terrorists, backed by the Trujillo dictatorship then ruling the Dominican Republic.

In the streets of Caracas a Communist terror campaign that has gripped the nation for 3 years continues. Troops guard strategic buildings and seal off some old sections of the city. Heavily armed policemen patrol the business district in pairs.

Dr. Betancourt expressed confidence that, despite the terrorism, national elections would be held on schedule December 1 and a new government would take office in March.

Discussing the Alliance for Progress, he said he favored greater participation by Latin-American governments.

Following are key questions and answers in the interview:

Question. Do you consider that success in carrying through the December 1 elections and installing a new government will be a decisive defeat for the Communist terror campaign? Or do you foresee a long struggle?

Answer. The fact that 92 out of every 100 persons have registered voluntarily indicates the will of the Venezuelans to go through with the elections. Hundreds of public gatherings are held daily by the presidential candidates. There are speeches over the radio and television. In none of these activities is there interference by the Government.

The other aspect of the question is whether terrorism will continue in Venezuela. This terrorist campaign is not only in Venezuela but also in Colombia and, sporadically, in other places in Latin America. This campaign is very closely connected with the international situation and the survival of the regime of Fidel Castro.

It is from Cuba that this terrorist campaign is stimulated and guided against the democratic governments of America.

Question. How much popular support do the Communists have? Is it declining or growing?

Answer. The arrests of the chiefs of the Communist Party have aroused no repercussions of protest among the people. This confirms the position of my government that the Communist Party has been reduced in Venezuela to small terrorist bands with no popular backing, no support within the movements of workers or peasants.

Question. Do you think that the Communist threat to the hemisphere is a serious one? In what ways is it most serious?

Answer. The Communist threat is real, and we cannot believe that only repressive measures against the Communists are sufficient. We must combat the poverty, the poor distribution of wealth, the antiquated structures of Latin-American economies, especially in reference to the distribution of the land.

If the Communists have been so hostile to my regime, it is not only for international reasons but also because we are carrying out the type of social action that strips the Communists of support and followers.

Labor-management relations are regulated by collective contracts that permit the workers to obtain stable salaries. Continuous efforts are being made to absorb unemployment. The Government is aggressively carrying out programs of housing.

INTERIOR DEPARTMENT REPORTS INCREASE IN WILDLIFE RESULTING FROM RIVER DEVELOPMENT PROJECTS AND THE PERTINENCE OF FINDINGS TO THE PROPOSED DAM AT RAMPART ON THE YUKON

Mr. GRUENING. Mr. President, the Bureau of Reclamation issued a press release last week of great interest to those

of us concerned with conservation of natural resources and protection of wildlife.

It has been found, after years of experience with construction and operation of the extensive resource development projects of the Bureau of Reclamation that the great reservoirs, canals, and related facilities built to conserve water resources and incidental to dam construction have resulted in an unexpected increase in wildlife resources. The Bureau reports that "waterfowl, upland game birds, and other game are thriving in increasing numbers" in the Columbia River Basin, San Joaquin Valley, the Lower Colorado River Basin, the Upper Colorado and Bonneville Basin, the lower Rio Grande and Arkansas River Basins and the Missouri River Basin. In all these areas there have been impressive water conservation projects that have expanded water acreage, improved weather conditions in northern breeding grounds and generally provided an enhanced environment for wildlife.

The Bureau reports the enrichment of these areas for wildlife, as a result of its development, together with the establishment of game management projects, taking advantage of the improved land areas, means more sport for hunters—increased bag limits, extended seasons and an expanding supply of game.

The report of the Bureau of Reclamation calls special attention to Lake Powell, the partly filled reservoir now being created behind Glen Canyon Dam in northern Arizona. There will be hunting here for the first time this year. Further, the construction of Lake Powell makes accessible by boat the wilderness of southeastern Utah previously too remote to enjoy.

This good news for lovers of wildlife is of special importance just now that interest in the Great Rampart Dam on the Yukon River in Alaska is growing rapidly. The Rampart project, which would provide the free world with its most powerful source of hydroelectricity, takes on new significance as a potential conservation achievement. We who have been urging construction of Rampart for the last several years have always known it is fully justified as a water conservation project. Here, at the only site on the North American Continent where a hydroelectric power installation can be built to match the enormous dams constructed by the Soviet Union, one of which is now in production, we shall harness and use the great waters of the Yukon now flowing wastefully to the sea. It will supply electricity at the lowest cost then available under the American flag which our industries will require.

The report of the Bureau of Reclamation now points the way to an additional conservation objective of Rampart—the enhancement of the environment for wildlife. The Rampart area bids fair to become another sportsman's paradise, with its traversable reservoir—bigger than Lake Erie—that will not only improve conditions for producing wildlife, but will, as in the case of Lake Powell, make accessible wilderness areas now impossible to approach by any form of transportation.

I ask unanimous consent that the press release of the Department of Interior of October 16, 1963, Waterfowl and Game Plentiful in Reclamation Areas Throughout the West be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WATERFOWL AND GAME PLENTIFUL IN RECLAMATION AREAS THROUGHOUT THE WEST

Field reports indicate that waterfowl, upland game birds, and other game are thriving in increasing numbers on and around the Bureau of Reclamation's farflung water conservation projects in the Western United States, the Department of the Interior reported today.

The opening of five new hunting areas connected with reclamation projects, and the expansion and improvement of many previously established areas, forecast good news and heavy game bags for sportsmen during the 1963 hunting season.

Partly filled Lake Powell, which now makes the wilderness of southeastern Utah accessible by boat for 120 miles upstream from Glen Canyon Dam, will be open to hunting for the first time. Hunting also will start on Navajo Reservoir in northern New Mexico, and on two reservoirs (Sherman and Arcadia) in Nebraska. Waterfowl hunting is expected to be good this fall at a recently established State game management area on Altus Reservoir, Okla.

In several established wildlife areas on and adjacent to reclamation projects, increasing populations of birds and other game have resulted in a lengthening of the hunting season and an increase in bag limits. Prospective hunters should check with State and local authorities for information on hunting season dates and regulations, the Department advised.

Reports received by the Bureau of Reclamation attribute the increase in birds and other game on reclamation project areas to three major factors:

The constantly expanding water acreage (reservoirs, canals, drainage ditches) that attracts migratory and resident ducks, geese and other waterfowl, and provides drinking holes for upland game birds and other game; development of irrigated farmlands which provide more feeding areas and better wildlife habitat and cover; and the establishment of reclamation-connected wildlife refuges and game management areas which offer optimum environment for birds and other game. In the case of migratory waterfowl, improved weather conditions on northern breeding grounds was also a major factor.

Particular locations where reclamation projects promise good opportunities for public hunting during the 1963 season follow:

Columbia River Basin; Reservoirs on the Boise project (Idaho-Oregon) provide nesting areas for ducks and geese, the most popular reservoirs for hunting being Lake Lowell and Black Canyon and Cascade Reservoirs. Duck hunting is permitted in designated sections only on Lake Lowell, now included in the Deer Flat National Wildlife Refuge, where the provision of nesting places, cover, and feed has greatly enhanced hunting prospects in the surrounding areas.

Owyhee Reservoir and reservoirs on the Vale, Baker, and Burnt River projects (all in Oregon) attract considerable numbers of migratory waterfowl, but hunting pressure has been light due to the remoteness of the impoundments. The recently constructed Bully Creek Reservoir, Vale project, is more accessible and should prove to be a popular hunting area for migratory waterfowl and upland game birds.

The Rogue River Basin project (Oregon) is off the main flyway for migratory birds, but the reservoirs and canals on the project

are used extensively for nesting and feeding areas by local game birds and hunting activity there is increasing yearly.

The Yakima Valley, Wash., is considered one of the top pheasant hunting areas in the State, having gained this position through the irrigation development of nearly 500,000 acres on the Yakima project. The average annual pheasant kill in the Yakima project area is approximately 120,000 birds, and about 150,000 quail are taken annually. Waterfowl hunting has been greatly enhanced by construction of irrigation waterways and the resultant drainage canals and ponds. It is estimated that from 200,000 to 250,000 ducks winter on these and adjoining areas, and that about 80,000 ducks are produced annually because of the increase of food, cover, and open water brought about by irrigation development. About 80,000 ducks are bagged annually on the Yakima project. It is expected that 1963 will be a better than average year for upland game birds and ducks.

On the Columbia Basin project (Washington) hunting prospects have been improving yearly since 1951, when irrigation releases began from Banks Lake. About 10,000 irrigable acres of land are added to the growing project each year, and the additional acres and the water to serve them continually provide more food, cover, and breeding areas for waterfowl and other wildlife.

The growth of fine hunting on the Columbia Basin project is attributable to several factors: Provision of approximately 100 bodies of water scattered across the once mostly dry region, the crops grown on irrigated lands, and wildlife management practices carried out by State and Federal agencies. The Washington Department of Game has planted over 2 million trees and shrubs in the Columbia Basin over the past 10 years and makes yearly releases of about 12,000 pheasants and 400 to 500 chukars. (Importations of chukars, an Asian partridge began in the 1940's, and the birds have successfully adapted themselves to many areas throughout the West.)

On the Columbia National Wildlife Refuge, near the center of the Columbia Basin project, hunters bagged about 8,000 ducks last hunting season. Many local farms are cooperating with the farmer-sportsmen program, and about 70,000 acres of project lands are open to hunters under hunting-by-permission arrangements.

California, southern Oregon, and western Nevada: Some of the best waterfowl hunting in California is found on four waterfowl management areas in the lower San Joaquin Valley: Los Banos and Mendota State Refuges, Merced National Wildlife Refuge, and the San Luis wasteway, a 3,000-acre Reclamation tract leased to the State. Practically all the water delivered to these areas for the flooding of waterfowl ponds is pumped from the Sacramento-San Joaquin delta by Reclamation's giant pumping plant at Tracy. The plant is a feature of the Central Valley project.

During 1962, eight reservoirs in the region (including San Luis wasteway and national wildlife refuges at Tule Lake, Lower Klamath Lake, and Clear Lake) provided resting, feeding, or nesting grounds for ducks and geese on 7,000 acres of water surface and 122,000 acres of surrounding lands. During the year, hunters took 21,500 ducks and 13,400 geese.

Pheasants are the most important upland game bird on irrigated lands in the region, with the provision of Reclamation water making a substantial contribution to the habitat of these highly prized birds, particularly on the Central Valley project, the Klamath project in Oregon-California, and on the Newlands and Humboldt projects in Nevada. California hunters took 724,600 pheasants during the 1962 season, and fish and game officials in both California and

Nevada expect increases in the pheasant population for the 1963 hunting season.

Lower Colorado River Basin: On Lake Mead and adjacent areas behind Hoover Dam, waterfowl hunting is largely confined to the Overton Wildlife Management Area and the Virgin Arm of the lake. The acreage in improved feeding grounds for wildlife has been increased during the past year, which should result in greater numbers of pheasants, ducks, Gambel quail, and geese. Last season pheasants led the list of game birds killed in the area, with 540 being bagged.

Along the lower Colorado River, increasing numbers of Canada geese have been noted on the Bill Williams Arm. These birds are also found in the Topock Swamp Wildlife Management Area and the Havasu Lake and Imperial National Wildlife Refuges. Additional acreages planted to Bermuda grass, barley, alfalfa, and rye in the Topock Swamp, Imperial, and Havasu Lake Refuges, and Cibola Valley areas will all tend to increase the numbers of ducks and geese migrating to the Lower Colorado River during the hunting season. In the Yuma area the dove population has increased during the year, especially in the Wellton-Mohawk Valley.

Upper Colorado and Bonneville Basin: Partly filled Lake Powell, behind Glen Canyon Dam in northern Arizona, will be open to hunting this year for the first time, as will the New Mexico portion of Navajo Reservoir. No information is available yet on the effects Lake Powell will have on populations of ducks, geese, or other game birds. Hunting prospects are considered very good in the Navajo Reservoir area. Creation of this new lake, the largest body of water in northwestern New Mexico, is expected greatly to improve waterfowl hunting in the area. Funds have been appropriated for developing a waterfowl management area in the upper part of the reservoir near the Colorado State line. No hunting is to be permitted this year on the new Flaming Gorge Reservoir in northern Utah and southern Wyoming.

In Colorado, newly formed reservoirs on the Paonia, Smith Fork, and Collbran projects are used by migrating birds in the early fall, and about 100 ducks are taken annually in each reservoir area. Increases in the irrigated areas on the Paonia and Smith Fork projects are expected to result in greater harvest of upland game birds. On the Fruitgrowers Dam project, also in Colorado, about 200 ducks are bagged annually. All the foregoing are high altitude reservoirs and freeze over rather early in the season.

Over the past several years, water distribution and drainage systems on the Eden project, Wyoming, have increased acreages of grass and alfalfa, resulting in increased populations of ducks, geese, and sage grouse. The season and bag limits for sage grouse have been increased.

Due to reclamation developments, it is estimated that hunting has been improved by as much as 25 percent on the Hyrum and Newton projects, in northern Utah, and on the Preston Bench project in southeastern Idaho.

Lower Rio Grande and Arkansas River Basins: Establishment of the Washita National Wildlife Refuge on 8,094 acres in the Foss Reservoir area, Oklahoma, should result in good waterfowl hunting in the project area, although hunting will not be allowed on the refuge itself. Equally favorable waterfowl prospects are reported in the Altus Reservoir area, also Oklahoma. A State game management area has been established on a 3,530-acre section of the upper reservoir.

Missouri River Basin: The 24 reservoirs constructed by the Bureau of Reclamation in the upper Missouri watershed, together with their associated irrigated lands, provide good resting places, cover, and forage for waterfowl, upland game birds, and animals. A considerable number of ducks, especially mallards, winter in open water below these

major reclamation reservoirs: Tiber and Canyon Ferry (Montana), Buffalo Bill (Montana-Wyoming), Boysen (Wyoming), and Angostura (South Dakota).

Montana authorities report that the Sun River project provides "one of the best pheasant hunting areas in the State." Duck and goose hunting in the area have been enhanced by a State game management area associated with the project. The Milk River project, which follows the Milk River Valley for some 160 road miles, provides much of the hunting potentials for people living along the northern Montana "high-line."

Reclamation projects along the Yellowstone River (Wyoming-Montana), with a total irrigable area of some 150,000 acres, provide excellent habitat for pheasants and waterfowl.

The Shoshone and Riverton projects continue to provide excellent pheasant hunting every year. Development of a refuge area at Ocean Lake, fed by return flows from Riverton project lands, has increased the number of wild ducks and geese available to hunters.

Reclamation has about 120 acres of wildlife habitat plantings in the Heart Butte Reservoir area, North Dakota, and these have been instrumental in providing excellent pheasant and sharp-tailed grouse hunting.

The Angostura, Belle Fourche, and Shadehill Reservoirs, S. Dak., are resting areas for migrating waterfowl and have helped increase populations of waterfowl, pheasants, and other upland game.

Reclamation's new Sherman Reservoir and Arcadia Diversion Dam, in Nebraska's high-density upland game region, are expected to provide excellent public hunting this season.

UNITED STATES ADHERES TO OECD FILM CODE

Mr. JAVITS. Mr. President, I am gratified to note that, following the recommendation of the Joint Labor Management Committee on Foreign Film Production of the American motion picture industry, the United States has adhered to the film code of the Organization for Economic Cooperation and Development—OECD.

Secretary Wirtz, in announcing U.S. adherence to the OECD film code, stated that this move would permit full U.S. participation in the proceedings of this OECD forum concerning motion pictures and would enable U.S. officials to work more effectively for fair competitive conditions for American-made films abroad. It is clearly essential to restore the competitive position of the U.S. film industry and to make it as attractive as possible to make films in the United States.

I ask unanimous consent to have printed in the RECORD the letter of Assistant Secretary of Labor George L-P Weaver informing me of this development and a Labor Department release explaining the significance of the U.S. adherence.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, October 15, 1963.
The Honorable JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: As you may recall, the Department of Labor is seeking measures

to alleviate unemployment problems in the American film industry. Part of the difficulty, according to the Joint Labor-Management Committee on Foreign Film Production, stems from considerable foreign production by U.S. motion picture producers.

It was the recommendation of the Joint Labor-Management Committee that if the United States should adhere to the film code of the Organization for Economic Cooperation and Development (OECD), American film makers would have a greater voice in seeking fair competitive conditions for U.S.-made films abroad. Therefore, as one step to take in dealing with this problem, the United States will adhere to the OECD film provisions. I expect to announce this fact at a meeting with the Joint Labor-Management Committee in Hollywood on Wednesday, October 16. The attached press release, which will be issued at that meeting, explains in detail the significance of our OECD film code adherence.

I thought you would find this information useful.

Sincerely yours,

GEORGE L-P WEAVER,
Assistant Secretary, International Affairs.

LABOR SECRETARY WIRTZ ANNOUNCES U.S. ADHERENCE TO OECD FILM CODE PROVISIONS

In order to deal more effectively with international questions of governmental policy affecting trade and employment in the motion picture industry, the United States has established a closer relationship with the member countries of the Organization for Economic Cooperation and Development (OECD), Secretary of Labor W. Willard Wirtz announced today.

The administration took this step by notifying the OECD at its headquarters in Paris that the United States was adhering to the organization's code of rules for international trade and financial transactions involving motion picture films.

A Joint Labor-Management Committee on Foreign Film Production of the American motion picture industry had petitioned Secretary Wirtz earlier this year to help in reducing the industry's unemployment. One of the recommendations of the joint committee was that the U.S. adhere to the OECD film code.

The joint committee attributes much of the industry's unemployment to foreign production by U.S. motion picture producers. Subsidies provided by certain European governments help to make it attractive for U.S. filmmakers to produce films within their countries.

Adherence to the OECD film code, Secretary Wirtz explained, would permit full U.S. participation in the proceedings of this OECD forum concerning motion pictures. In this way U.S. officials may work more effectively for fair competitive conditions for American-made films abroad.

The OECD's regular consultations on trade policy and liberalization of restrictions on international financial transactions provide opportunities for frank discussions among officials of member nations about the problems they share. The OECD holds periodic meetings of motion picture experts to give effect to its program of liberalization.

The OECD's rules on films constitute an annex to the Code of Liberalization of Current Invisible Operations. The OECD code sets forth obligations to remove restrictions from current international transactions and payments. The United States adhered to the main body of the code in 1961. Article 2 of the annex of the code provides that production subsidies for full-length feature films "should be abolished to the extent that they significantly distort international competition in export markets."

The terms of accession to the OECD will involve no change in American laws or regulations affecting the use of imported films,

nor will they affect the treatment to which American films are entitled under the General Agreement on Tariffs and Trade (GATT).

Member countries of the 20-nation OECD include the United States, the countries of Western Europe, and Canada. Japan's accession is expected soon. The membership thus includes almost all of the world's largest producers of motion pictures.

Labor and management representatives of the American motion picture industry have held a series of meetings this year with Assistant Secretary of Labor George L-P Weaver whom Secretary Wirtz had asked to find ways for easing the industry's unemployment problems. Mr. Weaver, in turn, has brought in representatives of the Departments of State, Commerce and Treasury.

"The American motion picture industry should benefit by our country's adherence to the OECD's provision on films," Secretary Wirtz said. "We will continue our efforts on behalf of the industry."

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OFFICE OF THE ASSISTANT SECRETARY,
Washington, October 15, 1963.

Hon. JACOB K. JAVITS,
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Sincerely yours,

GEORGE L-P WEAVER,
Assistant Secretary,
International Affairs.

THE NEW AMERICAN LEGION COMMANDER

Mr. HUMPHREY. Mr. President, on October 12, 1963, the national commander of the American Legion, Daniel F. Foley, came home to Minnesota after his election as national commander by that great organization of veterans.

At the homecoming ceremony in Minneapolis, Minn., Lt. Gen. John W. O'Daniel, U.S. Army, retired, made a stirring speech, part of which I would like to quote because of its aptness and sentiment concerning my very dear friend, Commander Foley.

General O'Daniel said:

What I know of Dan Foley as a soldier, as an active member of his community, as head of a fine family, of his participation in work for the State of Minnesota, his honesty and integrity, indicates that you of the Legion are to be congratulated upon choosing a real

man as national commander of the great American Legion.

Dan Foley has the desirable qualifications as appealed for by Robert W. Service in his poem which I have changed somewhat for the occasion:

"Give us a man with the strength of a giant
A man with the scorn of the stars and a
heart defiant
Knowledge and wisdom for our cause
uniting

A song on his lips as his sword is smiting
That the flag by his strength will be served
for wrong's quick righting
Death in our boots for some might be—
But always fighting, fighting."

You have such a man; congratulations
Dan Foley. I'm glad to know you and that
you are my friend.

Mr. President, this was fitting tribute from a distinguished American soldier and one that every friend of Dan Foley deeply appreciates.

ADDRESS BY GOVERNOR HUGHES OF NEW JERSEY BEFORE RE- GIONAL PLAN ASSOCIATION

Mr. WILLIAMS of New Jersey. Mr. President, on October 15 Gov. Richard J. Hughes, of New Jersey, presented an outstanding address to the 18th annual conference of the Regional Plan Association on the importance of governmental coordination and action at all levels to the achievement of the goals that will make our metropolitan areas good places in which to live and work.

Mr. President, in my judgment, Governor Hughes has provided outstanding leadership as Governor of the most heavily urbanized State in the Nation in helping meet city and suburban problems and in encouraging regional planning and cooperation.

I ask unanimous consent that the text of Governor Hughes' address be included in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF GOV. RICHARD J. HUGHES TO 18TH ANNUAL REGIONAL PLAN CONFERENCE, NEW YORK, N.Y., OCTOBER 15, 1963

As one who has followed and admired the work of the Regional Plan Association, I am particularly pleased to be here with you today. Most of you are aware of my strong advocacy of regional planning and cooperation as an eminently sensible way to approach the many interrelated problems of our urban civilization.

While experience has indicated that the public and, indeed, many public officials, continue to be skeptical when we "experts" try to tell them what is best for them, I remain an optimistic believer in the ultimate good sense of the people. In other words, I share with the members of the Regional Plan Association an abiding faith in the ability of people to make intelligent decisions when they are presented with the facts and the alternative approaches to public problems.

This requires a good deal of public education. The theme of this conference is a reflection of your belief in the efficacy of public education and your awareness that broad public support is necessary if we are to make any progress in implementing those plans and programs designed to make this metropolitan region a good place in which to live and work.

It has become commonplace to observe that the forces of urbanization transcend

geographic and political boundaries. The full awareness of this fact has been slow in developing even though experience has shown that the nature of the problems preclude solutions by one municipality or one county or one State. There must be regional team efforts and with an increased recognition of the forces of urbanization, it is to be hoped that there will emerge a greater willingness for regional planning and cooperation.

New Jersey has a long record of cooperation with other States for common goals. As early as 1935, we established a commission on interstate cooperation and our participation in such joint enterprises as the Port of New York Authority and the interstate sanitation commission testify to the early recognition of the interdependence of a major part of our State with the entire port area that serves the business, industrial, and residential needs of millions of people in the New York-northeastern New Jersey metropolitan area.

We have since taken a keen interest in the activities of such interstate organizations as the Tri-State Transportation Committee and the Penn-Jersey Transportation Studies which are attempts to deal with common transportation concerns of the two metropolitan areas at either end of our State.

More recently with the emergence of the concept of the eastern seaboard megalopolis which places New Jersey at the hub of this complex, an ever greater awareness has developed in New Jersey of the challenges and potentialities of the regional concept.

As a result of this new view of New Jersey's position in the metropolitan complex plus the hard facts of our transportation problems, it became apparent that an integrated approach to our problems required a new commission, responsible directly to the Governor, with authority to develop overall transportation policy and to recommend the coordination of transportation policies and programs in the areas where the State exercises control and influence. As most of you know, I recently appointed three distinguished citizens to the New Jersey Transportation Commission and expect that it will greatly enhance our ability to work effectively with all those private and public agencies concerned with transportation problems.

Not long ago, I had the opportunity to appear before the National Resources and Power Subcommittee of the U.S. House Committee on Government Operations, as it inquired into the efforts of the various governmental agencies in the Delaware Valley in the almost endless battle against water pollution. I pointed out that New Jersey considers that the most effective approach for protecting the quality of our surface water resources is through regional programs. Such agencies as the Delaware Basin Commission, working in close cooperation with the States to assure compliance with certain minimum standards essential to an interstate basin, are ideally suited for this responsibility. And State officials can exercise controls over intrastate streams, even within a basinwide or interstate framework.

It should also be noted that New Jersey has recognized the need for regional action along its other river border, the Hudson. It is the partner of Connecticut and New York in the Interstate Sanitation Commission, the pollution control agency in the New York metropolitan area.

But I must add that our view of interstate cooperation recently received somewhat of a jolt by the recent action of our sister State of New York which would have resulted in the lowering of the standards of control so that a pure, natural stream would become a completely polluted water resource. And I am glad to say that our protest remains

under consideration by the State of New York.

Attention has been focused on the regional aspects of recreation in recent months with the creation of the Tocks Island Reservoir and National Recreation Area along the upper Delaware River. Here is a further opportunity for Federal-State partnership in a conservation and outdoor recreation program that is bound to have a very substantial interstate impact. The size and character of the project offers tremendous potential in its proximity to urban concentrations. In regional impact and extent of use, it may well prove unique among Federal park facilities.

And I should mention that our Green Acres program, although mainly oriented toward intrastate needs, nevertheless will have important effects on recreation and open space uses beyond our borders. Any program of this sort which attempts to provide for the acquisition and protection of open land in a State as highly urbanized as New Jersey will have regional consequences for land use patterns. An example of this thinking is the 400-acre Liberty Park on the Jersey City waterfront which has been proposed by the State of New Jersey.

At this point I would like to comment on U.S. Senate bill 855 which has as one of its sponsors our own Senator HARRISON WILLIAMS of New Jersey. As you know, this bill would require the establishment by June, 1965, of State, metropolitan or regional planning agencies in standard metropolitan statistical areas as defined by the Bureau of the Budget. These planning groups would have to be empowered under State or local law or interstate compact to perform metropolitan or regional planning. They would be required to review and make comment on applications involving Federal funds falling within the metropolitan areas under their jurisdiction. There would be no veto power involved. The aim of the bill is to stimulate comprehensive planning on a regional basis through advisory opinions made by agencies taking a broad view of interrelated areas. S. 855 has my full support and I would hope for a speedy approval of this legislation by the Congress.

On another level, the active support of the State government is directly behind the organizations of local government officials in the New York-New Jersey regions as well as the Pennsylvania-New Jersey region. The metropolitan regional council is currently operating informally in the New York metropolitan area. It is my belief that there is a great deal of potential benefit in this organization's existence because it can serve as a much-needed vehicle for the discussion of mutual problems. Local officials can find out what needs their neighbors are faced with and how they are planning to meet them. This affords a vastly increased opportunity for areawide cooperation, while at the same time it decreases the chance of the municipalities' working at cross purposes.

A comparable organization has developed in the southern portion of our State. The Regional Council of Elected Officials in the Camden-Philadelphia metropolitan area is performing substantially the same function as the metropolitan regional council.

In discussing the responsibilities of different levels of government, we must take into account the tradition of home rule to which New Jersey, at least, has been committed since colonial times. This is a cherished principle but it can survive only if local governments are prepared to deal realistically with the problems of urban and suburban life. However, it is possible that if local governments fail to adapt to the demands of the times, then, by default, effective control could pass out of the hands of local communities.

None of us, I am sure, wants such a development. It is for this reason that we in New Jersey have a firm belief in the use-

fulness of regional planning. The advantages of such planning should excite the imagination of local government officials. As I had occasion to point out at a Penjerdel conference last year:

"Regional planning offers an approach to the many complex problems of urban civilization which at once maintains the initiative and responsibility in the hands of local officials and provides for an efficient distribution of resources and services."

Our efforts to develop a long-range plan and program for the New Jersey Meadows is a good example of this approach. As you may know, 13 municipalities with common interests in the Meadows along with the State of New Jersey have formed a Meadowlands Regional Development Agency looking forward to a comprehensive development program for the 15,000 acres of marsh and wetlands that occupy such a strategic position in our metropolitan area.

In recent months activity has been stepped up so that now our State and 10 municipalities in the Meadowlands Regional Development Agency have appropriated funds toward a study and plan that will spell out the most appropriate uses in the Meadows. Such a master plan, both comprehensive and long-range in character, will implement and provide a realistic framework for the U.S. Corps of Engineers' study of the feasibility of reclaiming the Meadows. If feasible, the U.S. Congress will be called upon in the near future to consider an appropriation for the reclamation works and it is therefore obvious that we must accelerate the tempo of our efforts.

We are, in addition, considering a variety of techniques for the kind of intergovernmental cooperation that will be necessary to carry forward a Meadowlands development program. You can be sure that all of these activities are viewed by us within a metropolitan context.

If the experiences of recent years have any lesson for us I hope that, at least, we have learned this: That the most fruitful approach to metropolitan problems seems to lie in all levels of Government working together with each contributing the services of which it is most capable. And I would include the services of those fine private voluntary agencies which have made such splendid contributions to planning both in concept and in organization.

The State, however, occupies a crucial position in intergovernmental cooperation. It possesses the power and authority with which it can deter undue dependence on the National Government, yet it provides organizing and financial resources beyond the scope of county or local governments. If we are to have successful regional plans and programs, there must be positive and sustained State leadership and a dedication to Government responsive to the needs of the people and the communities in which they live—Government which will act in the people's service.

CONTRIBUTIONS MADE BY NEGROES TO AMERICA'S GROWTH

Mr. WILLIAMS of New Jersey. Mr. President, few of us today truly know all that they should of the many contributions made by Negroes to America's growth. These contributions have been many and varied, but our textbooks and other sources of information to students have, for the most part, been less informative than they should have been.

Fortunately this deficiency has been recognized, and I would like to call the attention of the Senate today to a project begun in my State this summer. It is sponsored by two chapters of the na-

tional Alpha Kappa Alpha sorority of professional and career women and radio station WLJB in New York City. WLJB also serves the northern half of my State.

Their work was inspired by the long effort made by the National Association for the Study of American Negro Life and History. This association, located here in Washington, began a drive 48 years ago to end the old deficiencies in our understanding and knowledge. It established, for example, a library to collect memorable facts about Negroes and to disseminate this information nationally. One of its primary goals has been to persuade publishers to improve traditional grade school texts.

Last year the group had its first major success in this area. The boards of education of two metropolitan cities, New York and Newark in my own State, told these publishers they would only accept bids on new texts that had been rewritten properly to specify Negro contributions to our history.

Knowing that sales in at least two large areas were now assured, two publishers have commissioned historians to rewrite their texts. But unfortunately good books cannot be produced at short notice. As a result, though boards of education and teachers are anxious to spell out American history in its fullest light as quickly as possible, they cannot start by still using texts written as before.

Recognizing the immediate need for a better educational atmosphere, particularly during this year of climactic uniquely dedicated rights actions, the management of WLJB and Alpha Kappa Alpha developed the radio series called "Negroes of New Jersey." Two prominent members of this sorority, Dr. Myra L. Smith, a physician practicing in Vaux Hall, N.J., and Mrs. Vera McMillon, an official of the Newark Municipal Welfare Department, were spokeswomen for the Sunday broadcasts. Each week they spelled out little-known but important facts about Negroes who were pace-makers in New Jersey's growth to the eighth largest State in our land and one of its most prosperous and industrious.

Now a similar feature for New York is also scheduled by WLJB—with New York chapters of Alpha Kappa Alpha involved.

Naturally, such weekly broadcasts require large and extensive research. Twenty-five sorority members in New Jersey took time from professional and home responsibilities to devote themselves to this task.

In so doing they discovered source material widely scattered, tightly held or buried deep in State files—material so limited and difficult to find as to be most frustrating. Authoritative accounts of 18th and 19th century Negro activities, for example, could be found only in the few out-of-print works now available only to professional historians, teachers and students specially preparing these for postgraduate honors. A most definitive account of "The Underground Railway," its development, hazards encountered and overcome both by conductors and passengers and its importance in American history was written by a self-

educated Negro named William Still. But only one, dry, extremely brittle copy remains today—and this is securely kept in a temperature-controlled library vault.

Broadcast material in New Jersey legislative records dating to the 1790's had to be ferreted from old books stored deeply in the cellars in our State House, Trenton. They found other information in uncollected personal letters, pamphlets, tracts and private papers and private printings that either are museum held or in closed private collections.

And, in parallel with their Still book experience, they also found 13 other texts that, were they generally available, would increase understanding about the Negro for all of us.

From these research tasks has stemmed the collateral project to which I referred earlier—a drive to get thousands of these texts reprinted for general distribution to school and municipal libraries.

The sorority and radio station WLJB sincerely believe general availability of such literature for general readership and study would overcome and override many of the blocks and hurdles now handicapping and limiting progress in establishing equal rights for all.

In this way they feel, too, the understanding and comprehension so essential to gain the equal respect Negroes seek so avidly would be theirs more swiftly and effectively.

I concur in this belief. Even though new texts do become available to our impressionable grade-school youngsters by next year, the need would still exist for more detailed outlines of specific case histories of individual heroisms, ingenuities, educational advancements, and genuine leaderships with which Negroes have established their own marks in New Jersey's growth and heritage patterns.

This is a most worthy project. I commend it highly to your attention—the entire project from initial educational broadcasts to reprint aftermaths. I should like to compliment, too, the Alpha Kappa Alpha sorority sisters, their two broadcast spokeswomen, Dr. Smith and Mrs. McMillon, radio station WLJB and its general manager, Harry Novik, and any others involved in this vigorous and monumental effort.

The American Negro himself has been a vigorous, progressive force in our history, dating from the colonial days of the early 1700's. His contributions deserve detailing in fullest measure and correct perspective so that his dignity as a man and his proved responsibility as a citizen can be acknowledged.

Whatever official weight we lend personally to this or similar projects are efforts pointed in the proper direction.

THE UNITED STATES A CHRISTIAN NATION

Mr. ROBERTSON. Mr. President, the Supreme Court of the United States has in recent months rendered decisions in three school prayer cases which are very disturbing to all of us who believe that we were founded as a Christian nation and do not wish to see that faith destroyed.

The first was a decision last year in the case of Engel against Vitale.

In that case the Supreme Court decided by a 6-to-1 majority that the daily recitation of a short prayer by New York schoolchildren was unconstitutional as violative of the 1st and 14th amendments of the Constitution.

This short nondenominational prayer contained the following words:

Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country.

The State Board of Regents of New York, which wrote the prayer, recommended that each school board in the State adopt this prayer, although the school boards were not required to do so. Participation by the student was entirely voluntary. Any student could remain completely mute, or, with the permission of his parent or guardian, be excused from class during the prayer.

The Court held that the procedure violated the 1st amendment of the Constitution which declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof" as made applicable to the States by virtue of the 14th amendment. Mr. Justice Black stated in his opinion:

It is no part of the business of the Government to compose official prayers for any group of the American people to recite as a part of the religious program carried on by government.

School District of Abington Township, Pennsylvania v. Schempp & Murray v. Curlett, 374 U.S. 203 (1963): On June 17 of this year, the Supreme Court struck down, as unconstitutional, statutes of both Pennsylvania and Maryland requiring that there should be Bible reading, or in Maryland, as an alternative, the Lord's Prayer, without comment, at the beginning of each public school day. Any child could be excused at the written request of his parent or guardian.

The Court held that the Government must be completely neutral with regard to religion. It must neither aid nor hinder religious activity in any respect. Mr. Justice Clark summed up the Court's viewpoint on page 19 of his opinion:

The test may be stated as follows: What are the purposes and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution.

Chamberlin v. Dade County Board of Public Instruction, 374 U.S. 487 (1963): Recently, a lower Florida State court held that the observance of religious holidays, such as Christmas, and Easter by pageants and plays at public schools, were contrary to the provisions of the Constitution. These celebrations were characterized as religious teachings on school property, and their further continuation was prohibited.

No appeal on this issue appears to have been taken from the lower Florida court, and there is no discussion of the issue in the Florida Supreme Court or in the U.S. Supreme Court.

The case also involved Bible readings. The Florida Supreme Court held that

such readings were constitutional, but the U.S. Supreme Court reversed the Florida decision relying on *Murray against Curlett*.

Parker Against Board of Education: We are advised that a case is now pending before the Los Angeles Superior Court where the petitioner, a public school teacher, challenges the right of the local School Board to compel him to repeat the words, "Under God," in the pledge of allegiance to the United States.

The U.S. Supreme Court has not yet been called upon to make a decision in connection with this particular point.

Immediately after the decision in the *Pennsylvania* and *Maryland* cases, I said on the floor of the Senate:

The decision announced on Monday of the U.S. Supreme Court in the prayer cases from *Pennsylvania* and *Maryland* is so long, so involved, and so contradictory, it is difficult to accurately appraise what it actually means. Of course, it carries forward the two basic errors of the New York prayer case of last year, namely, a misinterpretation of the meaning of the words "establishment of religion" and the application of the due process clause of the 14th amendment to State laws on the subject of prayers in public schools.

As I pointed out last year, and as my distinguished colleague from Georgia [Mr. TALMADGE] so effectively pointed out on the NBC television program last Monday night, what Jefferson, Madison, and other advocates of separation of church and state complained of in colonial days was the maintenance by taxation of an official State religion. In Virginia, it was the Church of England. There can be no doubt about the fact that when Madison framed the first amendment and used the words "establishment of religion," he used them in the sense that everybody in his day and time used that phrase, mainly to designate a religious institution commonly called a church. That interpretation was concurred in by the Congress which shortly after the adoption of the first amendment voted to employ chaplains for the House and Senate and for the Armed Forces. Needless to say, the authority under the first amendment to spend taxpayers' money to employ a minister to offer official prayers in the House and Senate was challenged on the ground that it violated the first amendment. By a very substantial majority, the Congress voted against that contention.

Of course, logic is reduced to a farce when the Supreme Court holds that if a schoolchild reads a sentence from the Bible or the class joins in the recitation of the Lord's Prayer, and attendance at such exercises is not compulsory, it is an exercise of religion which amounts to the establishment of a religious institution, namely, a church, but when taxpayers' money is appropriated for the employment of a minister who, under the law is required to offer a prayer at the opening each day of both House and Senate, that is not a religious exercise but simply a ceremony.

What I wish to point out today is, first, the Court has continued to misconstrue the meaning of the first amendment, and, secondly, it has continued to abuse the due process clause of the 14th amendment by applying it to State laws relating to school prayers just as it abused it when it was applied to the question of segregation in public schools.

Mr. President, it pleased me today to find in the U.S. News & World Report, one of the finest and best-edited weekly magazines in the Nation, excerpts from

the remarkable speech delivered at Haverford College, in 1905, by Mr. Justice David J. Brewer of the U.S. Supreme Court, entitled, "The United States a Christian Nation." In presenting excerpts from that speech, to his readers, the distinguished editor, David Lawrence, said:

Atheism a few months ago scored its biggest triumph when the Supreme Court of the United States was persuaded to forbid prayer in public schools. Was this judicial evolution? Has the attitude of the American people toward the importance of the Judeo-Christian concept as a paramount factor in American life undergone any change? Are the Ten Commandments obsolete just because of the passage of time? Shall we see more evolution now, such as a Court order to remove the word "God" from the pledge of allegiance to the flag? Is voluntary prayer by a majority in the schoolroom to be tabooed by the Court because a minority is unwilling to let other pupils pray?

Congress is forbidden by the Constitution to pass any law prohibiting the "free exercise" of religion. But has the Supreme Court the right to limit the "free exercise" of religion?

Such questions may be left to the reader to answer for himself after examining the extracts quoted below from a lecture at Haverford College entitled "The United States a Christian Nation." It was delivered by a Supreme Court Justice in 1905.

Mr. President, I have been able to secure the full text of Mr. Justice Brewer's Haverford College address and ask unanimous consent that it may be printed in the RECORD, at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE UNITED STATES A CHRISTIAN NATION

We classify nations in various ways, as, for instance, by their form of government. One is a kingdom, another an empire, and still another a republic. Also by race. Great Britain is an Anglo-Saxon nation, France a Gallic, Germany a Teutonic, Russia a Slav. And still again by religion. One is a Mohammedan nation, others are heathen, and still others are Christian nations.

This Republic is classified among the Christian nations of the world. It was so formally declared by the Supreme Court of the United States. In the case of *Holy Trinity Church v. United States*, 143 U.S. 471, that Court, after mentioning various circumstances, added, "These and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation."

But in what sense can it be called a Christian nation? Not in the sense that Christianity is the established religion or that the people are in any manner compelled to support it. On the contrary, the Constitution specifically provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Neither is it Christian in the sense that all its citizens are either in fact or name Christians. On the contrary, all religions have free scope within our borders. Numbers of our people profess other religions, and many reject all. Nor is it Christian in the sense that a profession of Christianity is a condition of holding office or otherwise engaging in the public service, or essential to recognition either politically or socially. In fact the government as a legal organization is independent of all religions.

Nevertheless, we constantly speak of this Republic as a Christian nation—in fact, as the leading Christian nation of the world.

This popular use of the term certainly has significance. It is not a mere creation of the imagination. It is not a term of derision but has a substantial basis—one which justifies its use. Let us analyze a little and see what is the basis.

Its use has had from the early settlements on our shores and still has an official foundation. It is only about three centuries since the beginnings of civilized life within the limits of these United States. And those beginnings were in a marked and marvelous degree identified with Christianity. The commission from Ferdinand and Isabella to Columbus recites that "it is hoped that by God's assistance some of the continents and islands in the ocean will be discovered." The first colonial grant, that made to Sir Walter Raleigh, in 1584, authorized him to enact statutes for the government of the proposed colony, provided that "they be not against the true Christian faith now professed in the Church of England." The first charter of Virginia, granted by King James I, in 1606, after reciting the application of certain parties for a charter, commenced the grant in these words: "We, greatly commending, and graciously accepting of, their desires for the furtherance of so noble a work, which may, by the providence of Almighty God, hereafter tend to the glory of His Divine Majesty, in propagating the Christian religion to such people as yet live in darkness and miserable ignorance of the true knowledge and worship of God." And language of similar import is found in subsequent charters of the same colony, from the same king, in 1609, and 1611. The celebrated compact made by the Pilgrims on the *Mayflower*, in 1620, recites: "Having undertaken for the glory of God and advancement of the Christian faith and the honor of our king and country a voyage to plant the first colony in the northern parts of Virginia."

The charter of New England, granted by James I, in 1620, after referring to a petition, declares: "We, according to our princely inclination, favoring much their worthy disposition, in hope thereby to advance the enlargement of Christian religion, to the glory of God Almighty."

The charter of Massachusetts Bay, granted in 1629 by Charles I, after several provisions, recites: "Whereby our said people, inhabitants there, may be so religiously, peaceably and civilly governed as their good life and orderly conversation may win and incite the natives of the country to their knowledge and obedience of the only true God and Saviour of mankind, and the Christian faith, which in our royal intention and the adventurers free profession, is the principal end of this plantation," which declaration was substantially repeated in the charter of Massachusetts Bay granted by William and Mary, in 1691.

The fundamental orders of Connecticut, under which a provisional government was instituted in 1638-39, provided: "Forasmuch as it has pleased the Almighty God by the wise disposition of His divine providence so to order and dispose of things that we, the inhabitants and residents of Windsor, Hartford and Wethersfield, are now cohabitating and dwelling in and upon the River of Connecticut and the lands thereto adjoining; and well knowing where a people are gathered together the word of God requires that to maintain the peace and union of such a people there should be an orderly and decent government established according to God, to order and dispose of the affairs of the people at all seasons as occasion shall require; do therefore associate and conjoin ourselves to be as one public state or commonwealth; and do for ourselves and our successors and such as shall be adjoined to us at any time hereafter enter into combination and confederation together to maintain and preserve the liberty and purity of the gospel of our Lord Jesus which we now profess, as also the discipline of the churches, which, ac-

cording to the truth of the said Gospel, is now practiced amongst us." In the preamble of the Constitution of 1776 it was declared, "the free fruition of such liberties and privileges as humanity, civility and Christianity call for, as is due to every man in his place and proportion, without impeachment and infringement, hath ever been, and will be the tranquillity and stability of churches and commonwealths; and the denial thereof, the disturbance, if not the ruin of both."

In 1638 the first settlers in Rhode Island organized a local government by signing the following agreement:

"We whose names are underwritten do here solemnly in the presence of Jehovah incorporate ourselves into a Bodie Politick and as He shall help, will submit our persons, lives and estates unto our Lord Jesus Christ, the King of Kings and the Lord of Lords and to all those perfect and most absolute laws of His given us in His holy word of truth, to be guided and judged thereby." (Exodus 24: 3, 4; II Chronicles 11: 3; II Kings 11: 17.)

The charter granted to Rhode Island, in 1663, naming the petitioners, speaks of them as "pursuing, with peaceable and loyal minds, their sober, serious and religious intentions, of godly edifying themselves and one another in the holy Christian faith and worship as they were persuaded; together with the gaining over and conversion of the poor, ignorant Indian natives, in these parts of America, to the sincere profession and obedience of the same faith and worship."

The charter of Carolina, granted in 1663 by Charles II, recites that the petitioners, "being excited with a laudable and pious zeal for the propagation of the Christian faith."

In the preface of the frame of government prepared in 1682 by William Penn, for Pennsylvania, it is said: "They weakly err, that think there is no other use of government than correction, which is the coarsest part of it; daily experience tells us that the care and regulation of many other affairs, more soft, and daily necessary, make up much of the greatest part of government; and which must have followed the peopling of the world, had Adam never fell, and will continue among men, on earth, under the highest attainments they may arrive at, by the coming of the blessed second Adam, the Lord from heaven." And with the laws prepared to go with the frame of government, it was further provided "that according to the good example of the primitive Christians, and the ease of the creation, every first day of the week, called the Lord's Day, people shall abstain from their common daily labor that they may the better dispose themselves to worship God according to their understandings."

In the charter of privileges granted, in 1701, by William Penn to the province of Pennsylvania and territories thereunto belonging (such territories afterwards constituting the State of Delaware), it is recited: "Because no people can be truly happy, though under the greatest enjoyment of civil liberties, if abridged of the freedom of their consciences as to their religious profession and worship; and Almighty God being the only Lord of Conscience, Father of Lights and Spirits, and the author as well as object of all divine knowledge, faith and worship, who only doth enlighten the minds and persuade and convince the understandings of the people, I do hereby grant and declare."

The Constitution of Vermont, of 1777, granting the free exercise of religious worship, added, "Nevertheless, every sect or denomination of people ought to observe the Sabbath, or the Lord's Day, and keep up and support some sort of religious worship, which to them shall seem most agreeable to the revealed will of God." And this was repeated in the Constitution of 1786.

In the Constitution of South Carolina, of 1778, it was declared that "the Christian Protestant religion shall be deemed and is hereby constituted and declared to be the established religion of this State." And further, that no agreement or union of men upon pretense of religion should be entitled to become incorporated and regarded as a church of the established religion of the State, without agreeing and subscribing to a book of five articles, the third and fourth of which were "that the Christian religion is the true religion; that the holy scriptures of the Old and New Testament are of divine inspiration, and are the rule of faith and practice."

Passing beyond these declarations which are found in the organic instruments of the colonies, the following are well-known historical facts: Lord Baltimore secured the charter for a Maryland colony in order that he and his associates might continue their Catholic worship free from Protestant persecution. Roger Williams, exiled from Massachusetts because of his religious views, established an independent colony in Rhode Island. The Huguenots, driven from France by the Edict of Nantes, sought in the more southern colonies a place where they could live in the enjoyment of their Huguenot faith. It is not exaggeration to say that Christianity in some of its creeds was the principal cause of the settlement of many of the colonies, and cooperated with business hopes and purposes in the settlement of others. Beginning in this way and under these influences it is not strange that the colonial life had an emphatic Christian tone.

From the very first efforts were made, largely it must be conceded by Catholics, to bring the Indians under the influence of Christianity. Who can read without emotion the story of Marquette, and others like him, enduring all perils and dangers and toiling through the forests of the West in their efforts to tell the story of Jesus to the savages of North America?

Within less than 100 years from the landing at Jamestown three colleges were established in the colonies: Harvard in Massachusetts, William and Mary in Virginia, and Yale in Connecticut. The first seal used by Harvard College had as a motto, "In Christi Gloriam," and the charter granted by Massachusetts Bay contained this recital: "Whereas, through the good hand of God many well devoted persons have been and daily are moved and stirred up to give and bestow sundry gifts * * * that may conduce to the education of the English and Indian youth of this country, in knowledge and godliness." The charter of William and Mary, reciting that the proposal was "to the end that the church of Virginia may be furnished with a seminary of ministers of the gospel, and that the youth may be piously educated in good letters and manners, and that the Christian faith may be propagated amongst the western Indians, to the glory of Almighty God" made the grant "for propagating the pure gospel of Christ, our only Mediator, to the praise and honor of Almighty God." The charter of Yale declared as its purpose to fit "young men for public employment both in church and civil state," and it provided that the trustees should be Congregational ministers living in the colony.

In some of the colonies, particularly in New England, the support of the church was a matter of public charge, even as the common schools are today. Thus the constitution of Massachusetts, of 1780, part I, article 3, provided that "the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic or religious societies to make suitable provision at their own expense for the institution of the public worship of God and for the support and maintenance of Protestant teachers of piety, religion and morality in all cases where such provision shall not be made voluntarily."

Article 6 of the bill of rights of the constitution of New Hampshire, of 1784, repeated in the constitution of 1792, empowered "the legislature to authorize from time to time, the several towns, parishes, bodies corporate, or religious societies within this State, to make adequate provision at their own expense for the support and maintenance of public Protestant teachers of piety, religion and morality." In the fundamental constitutions of 1769, prepared for the Carolinas, by the celebrated John Locke, article 96 reads: "As the country comes to be sufficiently planted and distributed into fit divisions, it shall belong to the parliament to take care for the building of churches, and the public maintenance of divines to be employed in the exercise of religion according to the Church of England, which being the only true and orthodox and the national religion of all the King's dominions, is so also of Carolina, and, therefore, it alone shall be allowed to receive public maintenance by grant of parliament."

In Maryland, by the constitution of 1776, it was provided that "the legislature may, in their discretion, lay a general and equal tax for the support of the Christian religion."

In several colonies and States a profession of the Christian faith was made an indispensable condition to holding office. In the frame of government for Pennsylvania, prepared by William Penn, in 1683, it was provided that "all treasurers, judges * * * and other officers * * * and all members elected to serve in provincial council and general assembly, and all that have right to elect such members, shall be such as profess faith in Jesus Christ." And in the charter of privileges for that colony, given in 1701 by William Penn and approved by the colonial assembly it was provided "that all persons who also profess to believe in Jesus Christ, the Saviour of the World, shall be capable * * * to serve this government in any capacity, both legislatively and executively."

In Delaware, by the constitution of 1776, every officeholder was required to make and subscribe the following declaration: "I, A. B., do profess faith in God the Father, and in Jesus Christ His Only Son, and in the Holy Ghost, one God, blessed forevermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by divine inspiration."

New Hampshire, in the constitutions of 1784 and 1792, required that Senators and Representatives should be of the "Protestant religion," and this provision remained in force until 1877.

The fundamental constitutions of the Carolinas declared: "No man shall be permitted to be a freeman of Carolina, or to have any estate or habitation within it that doth not acknowledge a God, and that God is publicly and solemnly to be worshipped."

The constitution of North Carolina, of 1776, provided: "That no person who shall deny the being of God or the truth of the Protestant religion, or the divine authority either of the Old or New Testaments, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State." And this remained in force until 1835, when it was amended by changing the word "Protestant" to "Christian," and as so amended remained in force until the constitution of 1868. And in that constitution among the persons disqualified for office were "all persons who shall deny the being of Almighty God."

New Jersey, by the constitution of 1776, declared "that no Protestant inhabitant of this colony shall be denied the enjoyment of any civil right merely on account of his religious principles, but that all persons professing a belief in the faith of any Protestant sect, who shall demean themselves peaceably under the government as hereby established,

shall be capable of being elected into any office or profit or trust, or being a member of either branch of the legislature."

The constitution of South Carolina, of 1776, provided that no person should be eligible to the senate or house of representatives "unless he be of the Protestant religion."

Massachusetts, in its constitution of 1780, required from governor, lieutenant governor, councillor, senator, and representative before proceeding to execute the duties of his place or office a declaration that "I believe the Christian religion, and have a firm persuasion of its truth."

By the fundamental orders of Connecticut the Governor was directed to take an oath to "further the execution of justice according to the rule of God's word; so help me God, in the name of the Lord Jesus Christ."

The Vermont Constitution of 1777 required of every member of the house of representatives that he take this oath: "I do believe in one God, the creator and governor of the universe, the rewarder of the good and punisher of the wicked, and I do acknowledge the scriptures of the Old and New Testaments to be given by divine inspiration, and own and profess the Protestant religion." A similar requirement was provided by the constitution of 1786.

In Maryland, by the constitution of 1776, every person appointed to an office of profit or trust was not only to take an official oath of allegiance to the State, but also to "subscribe a declaration of his belief in the Christian religion." In the same State, in the constitution of 1851, it was declared that no other test or qualification for admission to any office of trust or profit shall be required than the official oath "and a declaration of belief in the Christian religion; and if the party shall profess to be a Jew the declaration shall be of his belief in a future state of rewards and punishments." As late as 1864 the same State in its constitution had a similar provision, the change being one merely of phraseology, the provision reading, "a declaration of belief in the Christian religion, or of the existence of God, and in a future state of rewards and punishments."

Mississippi, by the constitution of 1817, provided that "no person who denies the being of God or a future state of rewards and punishments shall hold any office in the civil department of the State."

Another significant matter is the recognition of Sunday. That day is the Christian Sabbath, a day peculiar to that faith, and known to no other. It would be impossible within the limits of a lecture to point out all the ways in which that day is recognized. The following illustrations must suffice: By the U.S. Constitution the President is required to approve all bills passed by Congress. If he disapproves he returns it with his veto. And then specifically it is provided that if not returned by him within 10 days, "Sundays excepted," after it shall have been presented to him it becomes a law. Similar provisions are found in the constitutions of most of the States, and in 36 out of 45 is the same expression, "Sundays excepted."

Louisiana is one of the nine States in whose present constitution the expression, "Sundays excepted," is not found. Four earlier constitutions of that State (those of 1812, 1845, 1852, and 1864) contained, while the three later ones, 1868, 1879, and 1881, omit those words. In *State ex rel. v. Secretary of State*, a case arising under the last constitution, decided by the Supreme Court of Louisiana (52 La. An. 936), the question was presented as to the effect of a Governor's veto which was returned within time if a Sunday intervening between the day of presentation of the bill and the return of the veto was excluded, and too late if it was included; the burden of the contention on the one side being that the change in the phraseology of the later constitutions in

omitting the words "Sundays excepted" indicated a change in the meaning of the constitutional provision in respect to the time of a veto. The court unanimously held that the Sunday was to be excluded. In the course of its opinion it said (p. 944):

"In law Sundays are generally excluded as days upon which the performance of any act demanded by the law is not required. They are held to be dies non juridici.

"And in the Christian world Sunday is regarded as the 'Lord's Day,' and a holiday—a day of cessation from labor.

"By statute, enacted as far back as 1838, this day is made in Louisiana one of 'public rest.' (Rev. Stat., sec. 522; Code of Practice, 207, 763.)

"This is the policy of the State of long standing and the framers of the constitution are to be considered as intending to conform to the same."

By express command of Congress studies are not pursued at the Military or Naval Academies, and distilleries are prohibited from operation on Sundays, while chaplains are required to hold religious services once at least on that day.

By the English statute of 29 Charles II, no tradesman, artificer, workman, laborer, or other person was permitted to do or exercise any worldly labor, business or work of ordinary calling upon the Lord's Day, or any part thereof, works of necessity or charity only excepted. That statute, with some variations, has been adopted by most if not all the States of the Union. In Massachusetts it was held that one injured while traveling in the cars on Sunday, except in case of necessity or charity, was guilty of contributory negligence and could recover nothing from the railroad company for the injury he sustained. And this decision was affirmed by the Supreme Court of the United States. A statute of the State of Georgia, making the running of freight trains on Sunday a misdemeanor, was also upheld by that Court. By decisions in many States a contract made on Sunday is invalid and cannot be enforced. By the general course of decision no judicial proceedings can be held on Sunday. All legislative bodies, whether municipal, State, or National, abstain from work on that day. Indeed, the vast volume of official action, legislative and judicial, recognizes Sunday as a day separate and apart from the others, a day devoted not to the ordinary pursuits of life. It is true in many of the decisions this separation of the day is said to be authorized by the police power of the State and exercised for purposes of health. At the same time, through a large majority of them, there runs the thought of its being a religious day, consecrated by the Commandment: "Six days shalt thou labor, and do all thy work: but the seventh day is the Sabbath of the Lord thy God; in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor the stranger that is within thy gates."

While the word "God" is not infrequently used both in the singular and plural to denote any supreme being or beings, yet when used alone and in the singular number it generally refers to that Supreme Being spoken of in the Old and New Testaments and worshiped by Jew and Christian. In that sense the word is used in constitution, statute, and instrument. In many State constitutions we find in the preamble a declaration like this: "Grateful to Almighty God." In some he who denied the being of God was disqualified from holding office. It is again and again declared in constitution and statute that official oaths shall close with an appeal, "So help me, God." When, upon inauguration, the President-elect each 4 years consecrates himself to the great responsibilities of Chief Executive of the Republic, his vow of consecration in the presence of the vast throng filling the Capitol Grounds will

end with the solemn words, "So help me, God." In all our courts witnesses in like manner vouch for the truthfulness of their testimony. The common commencement of wills is "In the name of God, Amen." Every foreigner attests his renunciation of allegiance to his former sovereign and his acceptance of citizenship in this Republic by an appeal to God.

These various declarations in charters, constitutions and statutes indicate the general thought and purpose. If it be said that similar declarations are not found in all the charters or in all the constitutions, it will be borne in mind that the omission oftentimes was because they were deemed unnecessary, as shown by the quotation just made from the opinion of the Supreme Court of Louisiana, as well as those hereafter taken from the opinions of other courts. And further, it is of still more significance that there are no contrary declarations. In no charter or constitution is there anything to even suggest that any other than the Christian is the religion of this country. In none of them is Mohammed or Confucius or Buddha in any manner noticed. In none of them is Judaism recognized other than by way of toleration of its special creed. While the separation of church and state is often affirmed, there is nowhere a repudiation of Christianity as one of the institutions as well as benedictions of society. In short, there is no charter or constitution that is either infidel, agnostic or anti-Christian. Wherever there is a declaration in favor of any religion it is of the Christian. In view of the multitude of expressions in its favor, the avowed separation between church and state is a most satisfactory testimonial that it is the religion of this country, for a peculiar thought of Christianity is of a personal religion between man and his Maker, uncontrolled by and independent of human government.

Notice also the matter of chaplains. These are appointed for the Army and Navy, named as officials of legislative assemblies, and universally they belong to one or other of the Christian denominations. Their whole range of service, whether in prayer or preaching, is an official recognition of Christianity. If it be not so, why do we have chaplains?

If we consult the decisions of the courts, although the formal question has seldom been presented because of a general recognition of its truth, yet in *The People v. Ruggles*, 8 John 290, 294, 295, Chancellor Kent, the great commentator on American law, speaking as chief justice of the Supreme Court of New York, said: "The People of this State, in common with the people of this country, profess the general doctrines of Christianity, as the rule of their faith and practice." And in the famous case of *Vidal v. Girard's Executors*, 2 How. 127, 138, the Supreme Court of the United States, while sustaining the will of Mr. Girard, with its provision for the creation of a college into which no minister should be permitted to enter, observed: "It is also said, and truly, that the Christian religion is a part of the common law of Pennsylvania."

The New York Supreme Court, in *Lindenmuller v. The People*, 33 Barbour, 561, held that:

"Christianity is not the legal religion of the State, as established by law. If it were, it would be civil or political institution, which it is not; but this is not inconsistent with the idea that it is in fact, and ever has been, the religion of the people. This fact is everywhere prominent in all our civil and political history, and has been, from the first, recognized and acted upon by the people, as well as by constitutional conventions, by legislatures, and by courts of justice."

The South Carolina Supreme Court, in *State v. Chandler*, 2 Harrington, 555, citing many cases, said:

"It appears to have been long perfectly settled by the common law that blasphemy

against the Deity in general, or a malicious and wanton attack against the Christian religion individually, for the purpose of exposing its doctrines to contempt and ridicule, is indictable and punishable as a temporal offense."

And again, in *City Council v. Benjamin*, 2 Strobbart, 521:

"On that day we rest, and to us it is the Sabbath of the Lord—its decent observance in a Christian community is that which ought to be expected.

"It is not perhaps necessary for the purposes of this case to rule and hold that the Christian religion is part of the common law of South Carolina. Still it may be useful to show that it lies at the foundation of even the article of the Constitution under consideration, and that upon it rest many of the principles and usages, constantly acknowledged and enforced, in the courts of justice."

The Pennsylvania Supreme Court, in *Updegraph v. The Commonwealth*, 11 Sergeant and Rawle, 400, made this declaration:

"Christianity, general Christianity, is, and always has been, a part of the common law of Pennsylvania; Christianity, without the spiritual artillery of European countries; for this Christianity was one of the considerations of the royal charter, and the very basis of its great founder, William Penn; not Christianity founded on any particular religious tenets; not Christianity with an established church, and tithes, and spiritual courts; but Christianity with liberty of conscience to all men."

And subsequently, in *Johnson v. The Commonwealth*, 10 Harris, 111:

"It is not our business to discuss the obligations of Sunday any further than they enter into and are recognized by the law of the land. The common law adopted it, along with Christianity, of which it is one of the bulwarks."

In *Arkansas, Shover v. The State*, 10 English, 263, the Supreme Court said:

"Sunday or the Sabbath is properly and emphatically called the Lord's Day, and is one amongst the first and most sacred institutions of the Christian religion. This system of religion is recognized as constituting a part and parcel of the common law, and as such all of the institutions growing out of it, or, in any way, connected with it, in case they shall not be found to interfere with the rights of conscience, are entitled to the most profound respect, and can rightfully claim the protection of the lawmaking power of the State."

The Supreme Court of Maryland, in *Jude-fo v. The State*, 78 Maryland, 514, declared:

"The Sabbath is emphatically the day of rest, and the day of rest here is the Lord's Day or Christian's Sunday. Ours is a Christian community, and a day set apart as the day of rest is the day consecrated by the resurrection of our Saviour, and embraces the 24 hours next ensuing the midnight of Saturday. But it would scarcely be asked of a court, in what professes to be a Christian land, to declare a law unconstitutional because it requires rest from bodily labor on Sunday (except works of necessity and charity) and thereby promotes the cause of Christianity."

If now we pass from the domain of official action and recognition to that of individual acceptance, we enter a field of boundless extent, and I can only point out a few of the prominent facts:

Notice our educational institutions. I have already called your attention to the provisions of the charters of the first three colleges. Think of the vast number of academies, colleges and universities scattered through the land. Some of them, it is true, are under secular control, but there is yet to be established in this country one of those institutions founded on the religions of Confucius, Buddha or Mohammed, while an overwhelming majority are under the special direction and control of Christian teachers.

Notice also the avowed and pronounced Christian forces of the country, and here I must refer to the census of 1890, for the statistics of the census of 1900 in these matters have not been compiled: The population was 62,622,000. There were 165,000 Christian church organizations, owning 142,000 buildings, in which were sittings for 40,625,000 people. The communicants in these churches numbered 20,476,000, and the value of the church property amounted to \$669,876,000. In other words, about one-third of the entire population were directly connected with Christian organizations. Nearly two-thirds would find seats in our churches. If to the members we add the children and others in their families more or less connected with them, it is obvious that a large majority were attached to the various church organizations. I am aware that the relationship between many members and their churches is formal, and that church relations do not constitute active and paramount forces in their lives, and yet it is clear that there is an identification of the great mass of American citizens with the Christian church. It is undoubtedly true that there is no little complaint of the falling off in church attendance, and of a lukewarmness on the part of many, and on the other hand there is a diversion of religious force along the lines of the Young Men's Christian Association, the Christian Endeavor Society, and the Epworth League. All these, of course, are matters to be noticed, but they do not avoid the fact of a formal adhesion of the great majority of our people to the Christian faith; and while creeds and dogmas and denominations are in a certain sense losing their power, and certainly their antagonisms, yet as a vital force in the land, Christianity is still the mighty factor. Connected with the denominations are large missionary bodies constantly busy in extending Christian faith through this Nation and through the world. No other religious organization has anything of a foothold or is engaged in active work unless it be upon so small a scale as scarcely to be noticed in the great volume of American life.

Again, the Bible is the Christian's book. No other book has so wide a circulation, or is so universally found in the households of the land. During their century of existence the English and American Bible societies have published and circulated 250 million copies, and this represents but a fraction of its circulation. And then think of the multitude of volumes published in exposition, explanation and illustration of that book, or some portion of it.

You will have noticed that I have presented no doubtful facts. Nothing has been stated which is debatable. The quotations from charters are in the archives of the several States; the laws are on the statute books; judicial opinions are taken from the official reports; statistics from the census publications. In short, no evidence has been presented which is open to question.

I could easily enter upon another line of examination. I could point out the general trend of public opinion, the disclosures of purposes and beliefs to be found in letters, papers, books, and unofficial declarations. I could show how largely our laws and customs are based upon the laws of Moses and the teachings of Christ; how constantly the Bible is appealed to as the guide of life and the authority in questions of morals; how the Christian doctrines are accepted as the great comfort in times of sorrow and affliction, and fill with the light of hope the services for the dead. On every hilltop towers the steeple of some Christian church, while from the marble witnesses in God's acre comes the universal but silent testimony to the common faith in the Christian doctrine of the resurrection and the life hereafter.

But I must not weary you. I could go on indefinitely, pointing out further illustrations both official and unofficial, public and private; such as the annual Thanksgiving proclamations, with their following days of worship and feasting; announcements of days of fasting and prayer; the universal celebration of Christmas; the gathering of millions of our children in Sunday Schools, and the countless volumes of Christian literature, both prose and poetry. But I have said enough to show that Christianity came to this country with the first colonists; has been powerfully identified with its rapid development, colonial and national, and today exists as a mighty factor in the life of the republic. This is a Christian nation, and we can all rejoice as truthfully we repeat the words of Leonard Bacon:

"O God, beneath thy guiding hand
Our exiled fathers crossed the sea,
And when they trod the wintry strand,
With prayer and psalm they worshiped Thee.
"Thou heardest, well pleased, the song, the prayer—
Thy blessing came; and still its power
Shall onward through all ages bear
The memory of that holy hour.
"Laws, freedom, truth, and faith in God
Came with those exiles o'er the waves,
And where their pilgrim feet have trod,
The God they trusted guards their graves.
"And here Thy name, O God of love,
Their children's children shall adore,
Till these eternal hills remove,
And spring adorns the earth no more."

AMERICAN BAR FOUNDATION PRIZE CONSTITUTIONAL LAW ESSAY

Mr. ERVIN. Mr. President, each year the American Bar Foundation sponsors the Samuel Pool Weaver Constitutional Law Essay Competition; and the winning essay for 1962 is one which every Member of the Senate should read. This paper, entitled "Free Elections and the Power of Congress Over Voter Qualifications," by Prof. Wilfred J. Ritz, of the Washington and Lee University Law School, has been published in the most recent issue of the American Bar Journal. Mr. Ritz, who is an acknowledged authority in the field of constitutional law, received his A.B. degree from Washington and Lee University, his LL.B. degree from the University of Richmond, and his master of laws and doctor of juridical science degrees from Harvard University.

In his essay, Professor Ritz traces the history and development of the Constitution's provisions relating to qualifications of voters; and he concludes that Congress should not legislate and, indeed, cannot legislate constitutionally, to alter the qualifications as prescribed by the States. Such an alteration is, of course, exactly what is provided for in title I of S. 1731, the administration's civil rights bill. This invidious proposal evidently evolved from the Civil Rights Commission's report and recommendations of 1961. It is interesting to note, however, that in its 1959 report the Commission recommended that the same objective be accomplished by the time-honored and only constitutional method of doing so—by amending the Constitution. I do not know what precipitated the Commission's remarkable turnabout; but I do know that if title I is adopted, it will be the first time in history that Congress has attempted to shortcut the amend-

ment process and to prescribe qualifications by legislation.

Professor Ritz is not the first constitutional law professor to hold that congressional legislation in this area would be unconstitutional. The Subcommittee on Constitutional Rights, in preparing for the hearings on the administration's so-called literacy bill, S. 2750, during the last Congress, requested opinions on the constitutionality and desirability of the measure, from constitutional law professors at every accredited law school in the country. At least half of the replies from professors, including those from distinguished law schools, such as the University of Michigan and George Washington University, agreed with Professor Ritz' thesis. S. 2750 did not pass either House in the 87th Congress, and I trust that the fate of title I of S. 1731 in this Congress will be equally deserved.

Mr. President, I ask unanimous consent that Professor Ritz' essay, from the October 1963, American Bar Association Journal, be printed at this point in the body of the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

FREE ELECTIONS AND THE POWER OF CONGRESS OVER VOTER QUALIFICATIONS

(By Wilfred J. Ritz, professor of law,
Washington and Lee University)

The group of Americans meeting at Philadelphia in 1787 to draft a Federal Constitution did not have a crystal ball to reveal the parts of their final product that would endure and those that would soon become obsolete. The course of future events soon demonstrated, though, that one of the constitutional provisions was unsatisfactory and essentially unworkable. This was the third clause of article II, section 1, providing for the election of a President and a Vice President.

No other provision of the Constitution was as lengthy; none was more detailed or drafted with greater care. And yet, in this provision, the Founding Fathers had entirely failed to foresee the rise of political parties.¹ As a result, the constitutional machinery for election of the Chief Executive worked well only while the people were agreed that a national hero should be the President—a phenomenon extremely rare in American life.²

After President Washington had retired from political life, the system survived the close election of 1796,³ but very nearly broke down in the election of 1800, when the electoral votes were equally divided between Thomas Jefferson and Aaron Burr. Cooler heads prevailed and the tie was broken without disruption of the American experiment in government.⁴ Nevertheless, if the situation had been oft repeated, the developing passions of the period most probably would

¹ Cunningham, "The Jeffersonian Republicans" 3-32 (1957); Miller, "The Federalist Era," 99-125 (1960).

² George Washington received all the electoral votes in the elections of 1789 and 1792.

³ The electoral college gave votes to 13 candidates. John Adams with 71 electoral votes was elected President and Thomas Jefferson with 68 votes was elected Vice President.

⁴ The electoral vote was 73 for Jefferson and 73 for Aaron Burr, thus throwing the election into the House of Representatives, where on the 36th ballot Jefferson was elected, receiving the vote of 10 States to 4 for Burr, with two not voting. Miller, op. cit. supra note 1, at 268.

soon have torn the American system of government apart.

After due deliberation, Congress in December of 1803 submitted to the States a proposed amendment to the Constitution to remedy the situation. The proposal received the speedy consideration it deserved, and by the end of July 1804, had been ratified by three-fourths of the States. As the 12th amendment it was operative for the next presidential election, held in November 1804.⁵

Unlike the lengthy and detailed clause covering the method of election of a President and Vice President which so quickly proved unsatisfactory, the original Constitution contains short and simple clauses covering the elections of Senators and Representatives. Their very simplicity, suggesting casualness of draftsmanship, can be misleading. Actually, the clauses are among the most carefully constructed in the document, and they are designed to carry out a basic constitutional purpose, a purpose that was continued when the 17th amendment was added in 1913.

The records of the Convention⁶ show that it was deeply concerned with problems relating to the election of officials of the Federal Government. The Convention adopted a plan for the indirect election of the President and Vice President by use of an electoral college. Article II provides: "Each State shall appoint in such manner as the legislature thereof may direct, a number of electors," thereby leaving the method of selection and qualifications to the States, although Congress was authorized to establish the time of their choosing.

In the election of Member of Congress, the Convention was concerned with four principal problems: (1) the method of election of Senators, which was resolved by giving the power to the State legislatures; (2) the method of election of Representatives, which initially involved a decision as to whether they should be chosen by the people or by the legislatures; (3) after popular election of Representatives had been decided upon, it was necessary to establish the qualifications of their electors; and (4) the extent to which the States and Congress, respectively, should participate in regulating the times, places and manner of holding elections of Senators and Representatives.

On May 29, 1787, Edmund Randolph on behalf of the Virginia delegation presented the resolutions known as the Virginia plan, which provided the basic framework for the Constitution.⁷ Randolph proposed a national legislature to consist of two branches, the members of the first to be elected by the people of the several States and the members of the second to be elected by the first branch from persons nominated by the State legislatures. The National Executive was to be elected by the National Legislature.⁸

Sitting on May 31 as a Committee of the Whole House, the Convention approved the resolution calling for a National Legislature to consist of two branches. It then considered and debated the resolution calling for election of the first branch by the people, adopting it by a vote of six States to two, with two States divided.⁹ A few days later

the Convention reconsidered, and again upheld popular election, this time by a vote of eight States to three.¹⁰

The New Jersey (or Patterson) plan, presented to the Convention on June 18, did not differ from the Virginia plan on this subject,¹¹ but during its consideration still another attack on popular election was narrowly defeated, when another motion to reconsider was voted down by six States to four, with one divided.¹² The Convention then agreed to election by the people of the first branch, with nine States in favor, only New Jersey opposed, and Maryland divided.¹³

On July 24 the Convention named a committee of detail to report a constitution conformable to the resolutions that had been adopted, among which were those calling for election of the Members of the first branch of Congress by the people and of the second branch by the State legislatures.¹⁴ Election of Senators by the State legislatures, without more, established the qualifications of electors of Members of one branch of the Congress. In order to provide for popular election of Representatives, the committee had to consider alternative methods of defining the qualifications of their electors.

CONSIDERATION OF ELECTION OF REPRESENTATIVES

The papers of the committee of detail show considerations was given to setting forth in the Constitution qualifications based on citizenship, manhood, sanity, residence, possession of real property or military service.¹⁵ The committee also considered adopting the qualifications established by the States, with Congress given authority to alter or suspend them.¹⁶ The final draft shows that the committee considered and deliberately struck out of its report a provision under which Congress would have been given the power to alter and supersede State provisions as to the qualifications of electors. Instead, the committee defined the qualifications of electors in the Constitution, denying the power of change to either the States or to Congress. This was done by providing that electors for the most numerous branch of the State legislatures should be electors for Representatives.¹⁷ Except for minor stylistic changes, the final draft of the committee of detail was printed and delivered to the Convention on August 6.¹⁸

When the Convention on August 7 considered the report an effort was made to limit the suffrage to freeholders. After full and extended debate, the motion to make the change was defeated by the vote of seven States, with only Delaware in favor and Maryland divided.¹⁹ On the following day

and South Carolina were opposed. Connecticut and Delaware were divided.

¹⁰ 1 Farrand 118, 124, 130, 132-138, 140-141, 142-144, 145, 147. The six States previously favoring popular elections were joined by Delaware and Maryland, while Connecticut voted with the States favoring election by the State legislatures.

¹¹ 1 Farrand 291, 300.

¹² 1 Farrand 353, 358-360, 364-365, 367, 368. The motion was defeated by the votes of Massachusetts, New York, Pennsylvania, Virginia, North Carolina, and Georgia. The motion was favored by Connecticut, New Jersey, Delaware, and South Carolina. Maryland was divided.

¹³ 1 Farrand 353, 360, 365. Before the final vote General Pickney withdrew a motion that the election by the people should be "in such mode as the legislatures should direct," when it was hinted that this might properly be left to the Committee on Detail, 1 Farrand 360.

¹⁴ 2 Farrand 106, 129.

¹⁵ 4 Farrand 40; 2 Farrand 151.

¹⁶ 2 Farrand 153, 163-165.

¹⁷ 2 Farrand 163-165.

¹⁸ 2 Farrand 176, 177, 178-179.

¹⁹ 2 Farrand 194, 201-208, 209-210.

further doubts were expressed as to the wisdom of popular election, but the provision was approved without any State dissenting.²⁰ This ended the debate on the qualifications of voters.

On August 9 the Convention considered the power to be given to Congress to supersede State regulations as to the time, place, and manner of holding elections. The debate shows Congress was given power to do so to insure the fair conduct of elections in the event some State legislature should attempt manipulation for selfish or nefarious purposes and that the provision has nothing to do with voter qualifications.²¹

On September 8 the Convention named a committee of style, which rearranged the articles and phrased them somewhat more felicitously.²² With only one change, made by the Convention to deny Congress any power over the place of election of Senators,²³ the provisions relating to elections were adopted and became a part of the completed Constitution.²⁴

CONSTITUTION USES TERM "ELECTORS"

In summary, then, it can be said that under the original Constitution Representatives were the only Federal officials to be elected by the people directly. Article I, section 2, provides that Representatives shall be "chosen every second year by the people." The phrase "by the people" simply means that Representatives are to be elected by the people and not by State legislatures.

A different term is used to define the electorate, that is, the group of individuals who may actually vote for Representatives. This term, used throughout the Constitution, is "electors." Article I, section 2, also expressly defines, indirectly, the qualifications of electors for Representatives. It says that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

The very simplicity of the clause invites use of a shorthand form of expression, and has led to statements to the effect that the States establish the qualifications of electors for Representatives. As the U.S. Supreme Court pointed out in *United States v. Classic*, 313 U.S. 299 (1941), "in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States." Nevertheless, as the *Classic* case also pointed out, the qualifications of electors for Representatives are defined in the Constitution and are not defined by the States. The definition is in imperative terms—"the electors shall have."

Under article I, section 2, a State has no power to deny the right to vote for a U.S. Representative to a person qualified to vote as an elector for the most numerous branch of a State legislature, nor any power to give the right to vote for a Representative to a person who is not so qualified. Just as clearly, Congress has no power to deny the right to vote for a Representative to a person who is qualified to vote as an elector for the most numerous branch of his State's legislature, nor any power to give the right to vote to a person who is not so qualified.

CONSTITUTIONAL AMENDMENTS ON VOTING ARE MANY

Elections and voting have been the subject of more constitutional amendments than any other single topic, as a listing of the amendments shows:

The 12th amendment, ratified in 1804, revised the method of electing the President and Vice President.

The 14th amendment, ratified in 1868, affects the subject in two respects: It provides

²⁰ 2 Farrand 213, 215-216, 225.

²¹ 2 Farrand 229, 239-242, 244.

²² 2 Farrand 547, 553, 554, 590, 592.

²³ 2 Farrand 613.

²⁴ 2 Farrand 651, 653.

⁵ Virginia Commission on Constitutional Government, the Constitution of the United States, 39-41 (1961); Corwin, "The Constitution of the United States of America," S. Doc. No. 170, 82d Cong., 2d Sess. 942 (1953).

⁶ Farrand, "The Records of the Federal Convention of 1787," 4 vols. (rev. ed. 1937), hereinafter cited as "Farrand."

⁷ 1 Farrand 20.

⁸ 1 Farrand 20-21, 27-28.

⁹ 1 Farrand 46, 47-50, 54-55, 56, 60. Election by the people was favored by Massachusetts, New York, Pennsylvania, Virginia, North Carolina, and Georgia. New Jersey

for a reduction of representation in the House of Representatives whenever the right of male citizens 21 years of age and over to vote is abridged by a State for any reason other than participation in rebellion or other crimes. It disqualifies from further Federal or State officeholding any officeholder who, having sworn to support the U.S. Constitution, engages in insurrection or rebellion. The first provision has never been invoked to deny representation to a State, and the second has become obsolete with the passage of time.

The 15th amendment, ratified in 1870, prohibits denial or abridgment of the right to vote on account of "race, color, or previous condition of servitude."

The 17th amendment, ratified in 1913, provides for the popular election of Senators. It follows the pattern set forth in the original Constitution by defining the qualifications of electors for this office. The electors in each State shall "have the qualifications requisite for electors of the most numerous branch of the State legislatures."

The 19th amendment, ratified in 1920, prohibits denial of the right to vote on account of sex.

The 20th amendment, ratified in 1933, revises and clarifies the method of election of the President in unusual situations.

Two of these amendments, the 15th and 19th, place direct restrictions on the qualifications the States may require of electors for State officials, and so indirectly these restrictions become limitations on the qualifications, as defined in the original Constitution and in the 17th amendment, of electors for Representatives and Senators. Otherwise, there are no constitutional restrictions on the qualifications the States may require of electors for State officials, and so also of electors of Federal officials.

In the summer of 1962 Congress adopted Senate Joint Resolution 29 proposing to the States another constitutional amendment dealing with voting qualifications. The proposed amendment prohibits the denial of a right to vote for President, Vice President, Senator or Representative because of a failure "to pay any poll tax or other tax."²⁵ In this resolution the pattern of previous amendments is departed from, in that a State is permitted to establish a different qualification for electors to the most numerous branch of its own State legislature than the State can establish for the election of Federal officials. The proposed amendment, however, continues the present policy of denying to Congress all power to establish or change the qualifications of electors for Federal officials.

COURT DECISIONS DEAL WITH SUFFRAGE QUESTIONS

Since the Constitution so clearly defines the qualifications of the persons who shall be electors for Federal officials, no litigation involving the point could arise until after the adoption of the 14th and 15th amendments. In *Minor v. Happersett*, 88 U.S. (21 Wall.) 162 (1875), a woman claimed that, since presidential electors in Missouri were elected by the people, she as a citizen of the United States was entitled to vote in such elections, so that the denial of the vote to her was prohibited by the privileges and immunities clause of section 1 of the 14th amendment. In accordance with the authoritative construction placed on that clause in the *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36 (1873), the Supreme Court rejected the contention, pointing out that the 14th amendment did not confer a right of suffrage on anyone. If the 14th amendment had done so, the 15th amendment would have been unnecessary.

The 15th amendment, as it applies to State elections, was construed by the Su-

preme Court in *United States v. Reese*, 92 U.S. 214 (1876), in which the Court said: "The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not."²⁶

In a series of cases the U.S. Supreme Court has considered the power of Congress under article I, section 4, of the Constitution to regulate the manner of holding elections. In these cases the Supreme Court has repeated time and again that the qualifications of electors are defined in the Constitution, and so are not subject to change either directly by the States or indirectly or indirectly by Congress. In a leading case, *Ex parte Yarbrough*, 110 U.S. 651 (1884), the Court said: "The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualifications for voters for those to nominate. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualifications of its own electors for Members of Congress."²⁷

This 1884 interpretation has not been departed from. The Supreme Court has recognized the power of the States to determine voter qualifications through the use of literacy tests²⁸ and poll taxes.²⁹ The Court has rejected the contention that since they are Federal officials some undefined power over the elections of Senators and Representatives rests in Congress.³⁰

IMPLICATION OF CLASSIC CASE IS UNSUPPORTED

The principal judicial support for a view that Congress has some power over voter qualifications is found in a dictum by Chief Justice Stone (then an Associate Justice) in *United States v. Classic*, wherein he said: "While, in a loose sense, the right to vote for representatives in Congress is sometimes spoken of as a right derived from the States, * * * this statement is true only in the sense that the States are authorized by the Constitution to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18."³¹

The implication that the powers of Congress under section 4 of article I may be used to restrict the powers of the States under section 2 of the same article is entirely without support in the history of the Federal convention of 1787 or in the prior decisions of the Court. If the reference had been to the power of the States to legislate un-

der section 4, instead of section 2, the statement would have been in complete accord with the language and history of the Constitution and the judicial precedents. Consequently, there is a strong probability that the reference to section 2 was a slip rather than a considered citation.

CIVIL RIGHTS COMMISSION MAKES RECOMMENDATIONS

In its 1961 report the Civil Rights Commission made a general finding No. 1: "There are reasonable grounds to believe that substantial numbers of Negro citizens are, or recently have been denied the right to vote on grounds of race or color in about 100 counties in 8 Southern States."³² To eliminate this discrimination a majority of the Commission recommended that Congress adopt legislation prohibiting the States from denying the right to vote to any citizen of the United States "except for inability to meet reasonable age or length-of-residence requirements uniformly applied to all persons within a State, legal confinement at the time of registration or election, or conviction of a felony."³³ Two Commissioners dissented from this recommendation.

The Civil Rights Commission unanimously recommended that Congress adopt legislation specifically directed at State literacy tests. A sixth-grade education, under the proposed legislation, must be accepted by a State as sufficient compliance with a literacy test so as to qualify the applicant to vote.³⁴ A bill to carry out this recommendation was introduced into the second session of the 87th Congress, but, in the face of a southern filibuster, failed of adoption. It has been argued, as by the Attorney General, that such legislation would not establish a voting qualification, but only substitute "an objective and easily ascertainable requirement" for determining a previously established voter qualification,³⁵ and so is within the constitutional power of Congress. This argument has been vigorously opposed.³⁶

Technically, the subject of what is or is not a voter qualification is outside the scope of this paper. However, since the purpose of legislation, such as that proposed in 1962 to restrict State use of literacy tests, is to permit persons to vote who otherwise would not be allowed to do so, the legislation necessarily restricts State control over voter qualifications to some extent. In this sense, whatever the particular terminology used, the proposed legislation gives Congress some control over voter qualifications. Consequently, it is appropriate to inquire into the reasons being offered for giving Congress power of this nature over voter qualifications.

ARGUMENTS FOR LEGISLATION ARE FOUND TO BE WEAK

Essentially, the arguments in favor of Congress having power to establish voter qualifications are two: (1) to eliminate restrictions on the exercise of a right of suffrage, such as the poll tax; and (2) to eliminate discrimination in the qualification of voters, as in the administration of a literacy test.

The force of the first reason is relatively weak, as is shown by the fact that the constitutional amendment proposed by the 87th Congress regarding poll taxes wholly prohibits the use of a tax as a voter qualification in Federal elections, leaving no discretion with Congress to abolish or establish

²⁵ See also, *United States v. Cruikshank*, 92 U.S. 542 (1876).

²⁶ See also, *Swafford v. Templeton*, 185 U.S. 487 (1902).

²⁷ *Guinn v. United States*, 238 U.S. 347 (1915); *Lassiter v. Northampton County Board of Elections*, 360 U.S. 45 (1959).

²⁸ *Breedlove v. Suttles*, 302 U.S. 277 (1937). See also *Pirtle v. Brown*, 118 F. 2d 218 (6th Cir. 1941), cert denied, 314 U.S. 621 (1941); *Butler v. Thompson*, 341 U.S. 937 (1951), aff'd 97 F. Supp. 17 (E.D. Va. 1951).

²⁹ *Newberry v. United States*, 256 U.S. 232 (1921).

³⁰ 313 U.S. at 315.

³¹ 1961 U.S. Commission on Civil Rights Report, Book 1, voting 135.

³² Id. at 139.

³³ Id. at 141.

³⁴ Hearings on S. 480, S. 2750, and S. 2979 Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, 87th Cong., 2d sess. 263, 265, 310 (1962).

³⁵ See, for example, comments made by Senator ERVIN during testimony of Attorney General Kennedy. Hearings, supra note 41, at 261-291.

³⁶ S.J. Res. 29, 87th Cong., 2d sess., CONGRESSIONAL RECORD, vol. 108, pt. 13, p. 17654.

this type of qualification. Consequently, the principal argument for having Congress assert some power over voter qualifications is based on the thought that the exercise of the power will enable Congress to eliminate discrimination in the administration of qualification tests more effectively than can be done under its present powers.

This raises the question whether there are not other remedies now available to eliminate discrimination. Ever since the post-Civil War period there has been Federal legislation, which has been frequently augmented, designed to protect American citizens in the exercise of their right to vote. The effectiveness of this legislation has been debated. After Attorney General Kennedy, in testimony before the Senate Judiciary Subcommittee holding hearings on the literacy test bill, referred to particular examples of discrimination, the following verbal exchange took place between him and the chairman, Senator ERVIN, of North Carolina:

"Senator ERVIN. And I think all those situations could be cleared up with a few old-fashioned criminal prosecutions in the Federal courts.

"Attorney General KENNEDY. Well, I appreciate your support on that, Mr. Chairman, but I tell you we are bringing those, but it is going to take a long, long period of time.

"And I would like to have you join us in attempting to try to get rid of it so that it just does not go on, and we can pass legislation to deal with that problem and get rid of it much quicker than we could by bringing lawsuit after lawsuit." 27

This colloquy shows that even the proponents of congressional power over voter qualifications recognize that the Federal Government already has sufficient power to eliminate voter discrimination. The basic disagreement is not whether discrimination is to be eliminated, but how soon and by what methods.

Recent Federal court decisions do not show any lack of power in the Federal Government to eliminate voter discrimination. The activities of the Civil Rights Commission have been sanctioned by the U.S. Supreme Court.²⁸ Powers given by Congress to the Attorney General to inspect Federal election records have been upheld and implemented.²⁹ Furthermore, when the Federal courts have found discrimination to exist as a fact, they have affirmatively ordered the registration of persons qualified to vote.³⁰

The establishment of voter qualifications under the Federal Constitution is based on the principle that complete objectivity and self-interest are mutually exclusive concepts. Since the Members of Congress have a large self-interest in their own elections, and in certain instances they may be required to participate in the election of the President and Vice President, Congress can never take a wholly disinterested view toward the subject of voter qualifications.

This was recognized by the Federal Convention of 1787, and so power over voter qualifications was entirely denied to Congress. Similarly, in 1913, when the Constitution was amended so as to require popular election of Senators, the policy of denying to Congress power over voter qualifications was continued.

²⁷ Id. at 273.

²⁸ *Hannah v. Larche*, 363 U.S. 420 (1960).

²⁹ *Kennedy v. Lynd*, 308 F. 2d 222 (5th Cir. 1962); *Kennedy v. Bruce*, 298 F. 2d 860 (5th Cir. 1962); *Dinkens v. Attorney General*, 285 F. 2d 430 (5th Cir. 1961); *In re Coleman*, 208 F. Supp. 199 (S.D. Miss. 1962).

³⁰ *Alabama v. United States*, 304 F. 2d 583 (5th Cir. 1962). On October 22, 1962, the U.S. Supreme Court granted certiorari in this case and in a per curiam opinion affirmed the judgment below. 371 U.S. 37. *United States v. Manning*, 206 F. Supp. 623 (W.D. La. 1962).

Conditions have changed since 1787. As time has gone by, the right to vote has been accorded ever greater significance in the pattern of American Government. Even so, the primary, if not the only, purpose to be served by having Congress assert power to fix voter qualifications seems to be to provide an additional weapon against voter discrimination. Discrimination must be eliminated and can be with the powers now available to Congress. As important as the objective is, an even more fundamental right is involved.

The basic right guaranteed to the people of the United States by the Federal Constitution, particularly by article I, section 2, and the 17th amendment, is a right of free elections. Truly free elections can exist only if the elected cannot influence their continued election by manipulation of the members of the group that constitutes their electors. For this reason, the Constitution establishes the qualifications of electors for Federal officials by a readily ascertainable and completely objective standard. This objective standard is beyond the power of the Federal Government to change, except by going to the States and the people to seek a change through the process of constitutional amendment. History demonstrates that when change has been needed, the necessary constitutional amendments have been forthcoming.

Under the Federal Constitution the people have reserved to themselves power to change the qualifications of voters for Federal officials. Since this is the fundamental principle on which the American system of free elections is based, the present constitutional guarantee of free elections should not be weakened by giving Congress power to establish voter qualifications.

THE PROBLEM OF EQUALITY

Mr. ERVIN. Mr. President, on September 15, 1963, Dr. Walter R. Courtenay, pastor of the First Presbyterian Church, of Nashville, Tenn., delivered a sermon upon the theme of Christianity and democracy. This sermon contains a magnificent analysis of the basic things which we call equality and liberty. It ought to be made available to all Members of the Congress. For this reason, I ask unanimous consent that it be printed at this point in the body of the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

THE PROBLEM OF EQUALITY (1 Corinthians 11: 17-34)

During the past summer the air was filled with the raucous sounds of conflict in Birmingham, Chicago, New York, and Danville. It was also redolent with discord within the United Nations, and within the backward countries demanding recognition. Accompanying these was the endless struggle of labor and capital, and the seemingly endless drain of our resources into the giveaway programs at home and abroad. The air was charged with social electricity as individuals, groups, and nations fought for new status under the banner of equality.

Equality has intoxicated the modern world. Men walk starry-eyed through streets and halls dreaming of new days and improved status. The whole world seems in a pep-rally mood, and the bonfires grow larger and burn more fiercely, even as the songs, chants, and shouts of the participants become louder and more fervent. In a thousand tongues men scream their demands for equality, for place, for recognition, for "rights," for privileges.

As one listens he frequently hears the words, "All men are created equal, and are endowed by their Creator with certain un-

alienable rights, that among these are life, liberty, and the pursuit of happiness." But the words never end there, but hurry on to declare that it is the responsibility of Government to make all men equal and to maintain equality amongst men. Still other words are heard, declaring that democracy has failed to establish equality, and that men therefore must now turn to socialism and communism.

In my summer setting, close to nature, I looked around for evidences of equality in nature, and found none. Trees and hills are not the same in breadth and height. Rivers and lakes are not of uniform size. Not all animals and birds are swift and beautiful. The lion does not recognize the equality of the antelope, nor the fox the rabbit. Some fields are fertile and others sterile, and clouds and puddles are not the same, though both are water created. In nature inequality seems to prevail, and yet the inequalities of nature produce the beauty we admire.

As I thought of it the same seemed to be true of history. Nations and races do differ in size, wealth, prestige, power, creativity, and vision. Some soar like eagles. Some build like beavers. Some grow like vegetables and weeds in the garden called the earth. Between individuals, races, groups, and nations there are broad differences, and equality is not a characteristic of either nature or human nature.

Having reached this point my mind asked the question, can we have both freedom and equality? Someone has said, "Freedom without equality tends to become license. Equality without freedom tends to produce stagnation." How can these great objectives be secured without damage to the highest social system men have yet devised, democracy?

Looking back across history, I realized that the Jews preached concern for the poor, but not equality. The Greeks preached democracy, but not equality. The Romans preached justice under law, but not equality. The Middle Ages in Europe preached Christ, but not equality. In fact, not until the French Revolution did men openly affirm that "Men are born and always continue free and equal in respects to their rights," and not until our Declaration declared that "All men are created equal" did the world come alive to the possibilities of equality. These two events placed a new chemical in the cup of life, and the contents of that cup are changing men.

Here I paused to rethink the words, "All men are created equal." Are they? I could see that all men are created equally helpless, equally ignorant, equally inexperienced, equally sin-touched, but I could not see how they could be said to be created equal in any other sense. Men do not begin life with an even start for all. Their beginnings are marked by differences in pedigrees, health, educational and moral levels, economic strength, social status, and personality potentials. There are broad differences in temperament, talents, drives, and desires. They do not begin life on a common line.

And what of the so-called "unalienable rights, such as life, liberty and the pursuit of happiness"? Life is the gift of God, and so are liberty and happiness—in a certain sense. But being born is never enough. Getting here alive is only a beginning. In order to really live one needs medical science, proper nutrition, adequate care, and a chance to become educated and equipped for adult responsibilities. As to liberty, it is not something that comes with birth. Liberty is man created, man achieved, and man maintained. God approves it, but man must win it. Happiness is a byproduct of a way of life rather than something granted us by birth. It, too, is something we achieve by effort. It depends on many things: employment, purpose, personal development, and the right use of the opportunities and

duties of life. Life God gives, but liberty and happiness we must achieve.

Having reached that state of mind, I wondered why men ever thought that government could make men equal and keep them equal. How can mere laws produce equality amongst men on a heart level? How can coerced fellowship ever become real fellowship?

That government has a role to play in the mighty, moving drama of man's progress is not to be denied. Our Constitution and our Bill of Rights stand to affirm it. It is the function of government to state the conditions of liberty, equality, and responsibility, but unless it is the will of the people to give life to the law, it will not work. The Prohibition era proved that beyond our contesting.

Then why do we believe and state in our legal documents that "All men are created equal," and have "unalienable rights"?

I presume it is because we must find some means of limiting the powers of the powerful and of protecting the rights of the weak. Great power, unpolluted, tends to become destructive power. The rights of the weak tend to be lost in a land where only the strong prevail.

We all understand this, even as we all realize that the clamor for equality is always a push from below rather than a pull from above, although it has often been both in these United States. Slaves have never enjoyed being slaves. The poor have never enjoyed being poor. The exploited have never been happy with exploitation. Those who fall have never been proud of their shortcomings, and the employed have always felt that it would be better if they were the employers. It is from this level of life that the hunger for equality rises. It is here that Utopia displays its broad green fields and still waters. It is from here that the valley of Shangri-La appears as the answer to all the ills of man. It is the hopelessness of the masses that provides the soil for hope in those who will not surrender to the accidents of birth and environment, and it is well that it is so.

And yet, one must face facts. In any classroom of pupils only a few qualify under the letter A. Below these leaders of the class are the B students, and then the C's and then the D's, and then the F's. Some by ability and effort rise to the top, while others because of lack of ability or application take their places on the descending curve of scholarship.

In every nation it is the same. Only a small percentage of people have the ability, the desire, the drive, the willingness to work and sacrifice, to foresee and prepare for success in any realm. The people who struggle to succeed are never interested in equality, but in superiority. Their goal is never the level of the masses, but a level above the masses. They endorse and espouse liberty because it creates for them a favorable climate in which to think, plan, create, work, and achieve according to their abilities and desires. They never pace themselves by the speed of the mediocre, but by the speed of the best. They are never satisfied by crumbs; they want half loaves and whole loaves.

It is such people who made America possible, and who have always led men in the upward climb. They are in truth the benefactors of the race. It is their ideas and creativeness that establish businesses and industries, thereby providing employment for others, and the taxes that make community and national progress possible. They furnish our best leadership, and give to the Nation our best guarantee of security. It is because of them that progress is produced in all areas of life, the intellectual, the artistic, the economic, the governmental, and the social. While they did not build America alone, they provided the means whereby

our Nation came into existence and has continued on its upward way.

Looking critically at such a line of thought, I suddenly realized that the success of the few creates the inequalities that loom large in the minds of the many. The haves highlight the have-nots. It is the successful who outlive the failures and all others who take their places on the curve of life as it sweeps downward.

During my summer days it seemed to me that:

It is the nature of some men to succeed, and others to fail.

It is the nature of some men to get by, and others to achieve.

It is the nature of the have-littles to want more.

It is the nature of the successful to seek to dominate.

It is the nature of those who are unsuccessful to resent it.

It is the nature of the poor to envy.

It is the nature of the wealthy to assume unjust privileges.

It is the nature of those who inherit wealth to use it well, to misuse it, or to feel guilty because they have it.

It is the nature of the intellectuals who receive their compensation from taxes or the gifts of the economically successful to advocate a change of system in order to get one wherein the intellectuals will be as generously rewarded as business executives under free enterprise.

It is because men are unequal in ability and drive, in opportunities for recognition and advancement, in rewards for work done and services rendered that people become restless socially. It is the inequalities of humanity that create the crusaders for equality. In the 18th century men looked to democracy as the answer to the inequalities amongst men, and now in the 20th men look toward socialism and communism.

Democracy as we have tried to shape it in America has been heavily impregnated with the Ten Commandments of Judaism and the Spirit of Jesus. Because of this we are suspicious of any system that advocates the big lie, covetousness, greed, the stealing of property, the destruction of life, and the taking away of liberties. Democracy condemns without reservations the confiscation of private property and capital by the state and the regimenting of human beings like animals on a farm. Our democracy is not perfect. Imperfections exist, but its virtues exceed those of any other system mankind has tried.

These observations moved me then to reach certain opinions concerning American democracy.

1. Democracy was never created to be a leveler of men. It was created to be a lifter, a developer of men.

2. Democracy was created to let the gifted, the energetic and the creative rise to high heights of human achievement, and to let each man find his own level on the stairway of existence.

3. Democracy was created to help men meet responsibilities and shirk no duties. That is why our Nation has been concerned about the honest needs of its citizens. We lead the world in justice, even though justice does not always move with prompt alacrity. Our Nation has been noted for the size of its heart and not merely for the size of its pocketbook.

4. Democracy demands that the nation be governed by the capable, the honorable, the farseeing, the clear seeing, and not by mediocre men. In the beginning it was so. May it be so again.

5. Democracy demands more from men than any other system in the realm of self-discipline, dependability, cooperativeness, industry, thrift, and honor. Democracy will not work when party politics are not guided by basic ethical principles. For a party to foster class consciousness, class conflict, mis-

representation, covetousness, violence, theft, and an open defiance of established law is to breed anarchy.

6. Democracy must give to all its people the following rights: The right to equal learning. The right to equal employment. The right to equal treatment. The right to equal justice. The right to adequate housing. The right to vote.

The meditations of the summer convinced me that governments of themselves cannot make men equal or remake men into the beings they ought to be. That is a spiritual venture, not an economic and political one. A change from democracy to either socialism or communism, or a change from private capitalism to state capitalism, will not solve the basic problems of mankind; it merely shifts the areas of power.

I am disturbed, therefore, when church leaders and church groups seem to advocate socialistic means and objectives as the answer to the problems of democracy, and especially the problems of equality. This is especially true when certain leaders voice slogans that appear logical and Christian, but are not. Let me name four:

1. "The world owes every man a living." No, it doesn't. Christian ethics have never said so, and I have never known any man worth his salt who has claimed special rights under such a slogan. It is the cry of the lazy, the inept, and the failures. Such a slogan is a far cry from our meeting the needs of the needy, which, of course, is our duty.

2. "Production for use, and not for profit." That sounds good, but it is as phony as a Russian promise. It is profits that have produced the blessings of our Nation and enabled her to be a blessing to the nations of the world. Profits are essential to the general well being of society. When the state takes over under the slogan of "use, not profits" men lose their liberties and their standard of living. Such a switch merely augments the insatiable appetite of the state.

3. "Human rights, not property rights." As I look out over the world, one thing is clear: where there are not private property rights there are no human rights. Private property rights form the seed bed in which human rights mature. As long as private property rights are clear human rights will flourish.

4. "The end justifies the means." According to Christian ethics the statement is not true. It was just such a statement that produced the crucifixion of Jesus, the torture of the martyrs, the burning of witches, and the denial of life and liberty to the inhabitants of current communistic lands.

Churchmen, whether lay or clerical, who seek to solve the problems of our society through socialistic processes rather than democratic ones within the free enterprise system are heading down a road that leads toward darkness. Only by encouraging Christians to envy, to covet, to be class conscious, to foster class conflict, and to approve stealing and even murder, can such objectives be attained. To realize them would bring about a broad denial of law and order, and the orderly handling of social problems. Whenever we as a church, an educational system, or a supreme court encourage people to misrepresent facts, to use force wrongfully, to flaunt law and order and to stimulate bitterness and hatred, we depart from logic, Americanism and Christianity.

I unhesitatingly oppose the use of socialistic and communistic methods in the solving of the problems of our free enterprise democracy. Our problems are problems of human nature rather than of economics and sociology. The man who has two cars is not preventing another from having one. The man who earns \$50,000 a year is not robbing him who receives \$300 a month. The man who owns a good house does not thereby

force another man to dwell in the slums. And the people who prosper under our system cannot be blamed for the problems that plague the lives of those who compose the lower 25 percent of the Nation. The so-called privileged are not always a credit to either church or state, but they are not in the main parasites on the body politic. We are therefore wrong when we damn the successful, the wealthy, the enlightened, and the patriotic in order to gain what we call equality.

Having said that let me hasten to add that the redistribution of wealth will not solve the human problem that plagues us. Wealth is not fairly distributed in any land under the sun; it never has been and I presume never will be. Nor do we solve social predicaments when we blame the top 20 percent of our people for the inequities that seem to mark the 80 percent. Nor is it logical for our Government to be forever emphasizing the neglected duties of the employer while ignoring almost totally the neglected duties of the rest of us. The wealthy have many sins to confess, but so do we all. And when we come to the advocacy of moving from private capitalism to state capitalism, and the listing of the sins of democracy while ignoring its multiple virtues, and assuming that virtue resides in the have-nots, but not in the haves, I can only shake my head at the presumed wisdom of such positions.

Let no one hearing my voice conclude that I am speaking as a have or a defender of the haves. Let no one believe that I am unconcerned about those in our midst whose rights are often ignored and whose status is questioned. I am not blind to the sins of the privileged any more than I am the sins of the underprivileged. The business leaders do not need my voice to defend their position; they are strong defenders of themselves. But I have walked the roads of life with men of all classes, and have reached one conclusion, "there is none righteous, no, not one!" We are all bearers of the telltale gray of selfishness. The 5-o'clock shadow is on all our faces.

The Lord I love and serve was not overly optimistic about humanity. He knew man as he is, and worked with him for what he could become. He ministered to the multitude, teaching, healing, feeding, encouraging, comforting, but he never assumed that equality was part of the human scene. He talked of love and neighborliness, but not equality.

Perhaps that is why the New Testament puts the emphasis on brotherhood and not equality. It emphasizes responsibilities, not privileges. It stresses love toward God and love toward neighbor. It seeks to create a church that will be brotherly within, and concerned for those without. It urges men to find the God-way to selfhood, success, and happiness, and offers a heat-treated cell to all who misuse life, be they rich or poor.

Paul, in his letter to the Church of Corinth, denounced the lack of brotherhood within the church, and urged men to be concerned for one another, but he did not assume equality to be one of the "must" characteristics of Christianity. It was not a matter of love without differences, but love in spite of them.

The church, as someone has said, learned a long time ago that it is easier to create liberty than it is to establish equality. It has always known that equality can only be had by a loss of certain liberties. If men want equality above all else they may best find it in communism. If men want liberty and a fair portion of equality they must turn toward democracy.

What the world needs is a change of heart, a change of climate born of faith in God, a reaching up that there may be a reaching out, a confession that produces a new dedication. This government and laws cannot create, for governments and laws are but the reflection of the standards of a people.

Everything in social Christianity depends on the wise use of possessions, time and talents, and only when we, Christian members of a democracy, become good stewards of the things that bless life do we begin to move in the direction of righteousness and justice, peace and true prosperity.

The problem of equality may be in many ways the greatest problem of our day. We cannot solve it by government, and we shall not solve it en masse. Only when we as Christians take seriously the teachings and examples of Jesus shall equality and liberty exist without detractor or subtraction. Only when we stand before God confessing our needs shall we be empowered to meet the needs of others.

If I must choose between liberty and equality, I must choose liberty and then hope and work for equality, for such seems to me to be the Christian's way.

WORLD BANK AID FOR DISTRESSED RAILROADS

Mr. KEATING. Mr. President, Mr. Arne C. Wiprud, a well-known and distinguished attorney and transportation consultant, former director of the New York State Office of Transportation and now an informal adviser to the State of New York on transportation matters, recently stirred up a healthy discussion of the situation of the Nation's railroads through a thoughtful article in the July 27, 1963, issue of *Traffic World*. Response to the article was widespread and evoked a subsequent editorial in the September 7 issue of the same publication in which Mr. Wiprud's further comments and observations were reported. Both the original article and the editorial are of public importance, in my judgment, and I ask unanimous consent that they be printed in the *Record* following my remarks.

There being no objection, the article and editorial were ordered to be printed in the *Record*.

(See exhibit 1.)

Mr. KEATING. Mr. President, Mr. Wiprud's thesis is that the Nation's railroads, especially those in sore distress, and State and local government officials, may be overlooking an untapped source of financial aid which could be of immeasurable assistance in putting some of the roads, so to speak, back on the right track. Mr. Wiprud analyzes with care the legal and financial organization of the International Bank of Reconstruction and Development, commonly known as the World Bank, traces its role in uplifting the rail transport system of war-torn and underdeveloped nations during the postwar period, and concludes that, given simple implementing legislation by the Congress, World Bank resources could be put to work in this country by affording to eligible railroads in regions of viable traffic potential a means of rehabilitating and modernizing their equipment and facilities.

EXHIBIT 1

[From *Traffic World* magazine, July 27, 1963]
CANNOT U.S.-SUPPORTED INTERNATIONAL BANKS
AID NEEDY, ESSENTIAL U.S. RAILROADS, TOO?

(By Arne C. Wiprud)

At a time when U.S. agencies and U.S.-supported international agencies have provided loans and grants to the railroads of foreign countries totaling \$2,686,800,000, one may legitimately ask whether it would not

be appropriate for distressed railroads of the United States to gain some benefit from one or another of the international lending agencies through loans that would enable them to rehabilitate and modernize their essential services. The means are at hand, the need is apparent—yet this opportunity to restore and modernize vitally needed railroad transportation in the United States seems to have been overlooked.

Throughout the world in the postwar period, emphasis on economic growth and development has given strategic importance to the provision of adequate, modern transportation. In Europe where railroads were largely destroyed by the war, the rebuilding of the railroad networks was recognized as the first essential in economic reconstruction, although the war in the European theater had been fought largely with transport provided by highways and by air. Even where railroads had not been destroyed under enemy attack, as in the United States and other non-European countries, shortages of materials had resulted in the accumulation of deferred maintenance which required substantial reconstruction of existing track and virtual replacement of exhausted rolling stock. Underdeveloped nations seeking to industrialize—India is a conspicuous example—have made the modernization and expansion of railroad plants and facilities a first prerequisite to lifting the general productivity of the economy. Thus, despite the great wartime reliance upon highway and air transport (in addition, of course, to water transportation), neither the industrialized nations nor countries seeking industrial development have doubted that the railroads provide the most economical means of supplying mass transportation.

In the United States, railroad management affirmed their faith in the future economic role of the railroads by devoting substantial proportions of the profits accrued during the war years to extensive modernization programs. These programs have included far-reaching improvements in facilities and services, the dieselization of virtually all lines, automated freightyards and centralized traffic control made possible by the application of electronics, mechanized maintenance, the extensive development of containerization and trailer-on-flatcar operations, and the development of improved rolling stock, both for passenger service and for specialized freight services. The economies inherent in these earlier improvements have been largely absorbed in mounting operating costs and dissipated through declining traffic during recession years. Meanwhile technology has continued to progress so that large opportunities for cost savings and for improved performance standards create an acute need for large capital expenditures. These opportunities are largely frustrated so long as depressed earnings preclude many carriers from securing funds from internal sources or on reasonable terms from capital markets.

GOVERNMENT LOANS TO AID RAILROADS IN FOREIGN COUNTRIES

Since World War II, the Federal Government, through the Agency for International Development (AID) and predecessor agencies and the Export-Import Bank of Washington, has provided \$1,538,100,000 in loans and grants to rehabilitate, improve and modernize railroads in foreign countries. Of this amount the Export-Import Bank has loaned \$816,900,000; and AID reports that it and its predecessor agencies have made loans and grants of \$721,200,000.¹

¹ There have been a number of predecessor agencies of AID beginning with the Economic Cooperation Administration established in 1948 to administer the Marshall plan. The amount shown is determinable from reports and compilations of AID. However, since

In addition, the International Bank for Reconstruction and Development, commonly called the World Bank, has loaned \$1,067,200,000 to foreign countries to improve and construct railroads. The Bank's affiliate, the International Development Association (IDA), has provided an additional \$81,500,000 for the assistance of foreign railroads.

The World Bank has 85 stockholders, or member countries who have subscribed to the Bank's capital of \$20,484,800,000 (of which \$18,435,270,000 remain subject to call). The United States is the largest stockholder, having subscribed \$6,350 million or 31 percent of the Bank's capital. The United Kingdom subscribed 12.69 percent, and France and Germany, 5.13 percent each. The remaining 46.05 percent of the capital stock was subscribed by 81 other countries in amounts ranging from 0.005 percent to 3.90 percent. Voting power is roughly proportional to subscribed capital.

Loans are made by the World Bank only to member countries or to political subdivisions and public or private enterprises of member countries with the guarantee of the member country. Rates of interest have ranged from 3 percent (in the Bank's earlier years) to 6 percent per annum. Loans are commonly made for a 20-year period, with a grace period of 4 to 6 years before repayments of principal begin. These are hard loans which, as stated by an officer of the Bank, are made only to viable enterprises or to those that can be made viable through financial assistance.

Loans made by the International Development Association (IDA), an affiliate of the World Bank, are generally termed "development credits" or, more popularly, soft loans. Of the total subscribed capital of \$917,160,000 made by 62 countries, IDA has received \$385,953,361 as its operating capital. International Finance Corporation (IFC), another affiliate of the World Bank, operating with a capital of \$96,469,000 subscribed by 63 countries, makes loans to private industrial enterprises or invests in their stock without benefit of government guarantee.

Loans made by the Bank, or by its affiliate IDA, to various member countries, or to their political subdivisions or to their public or private enterprises for the rehabilitation, improvement and modernization of all modes of transportation, including railroads, reached a total of \$2,415,800,000 as of March 31, 1963.² No loans have been made by the Bank or its affiliates to the United States or to any of its political subdivisions or to any of its public or private enterprises.

To repeat, since World War II a grand total of \$2,686,800,000 has been loaned or granted to foreign countries by these international and U.S. agencies for the construction or the improvement and modernization of their railroad systems.

some of the predecessor agencies of AID kept records under different classifications of functions than AID does today, extensive research of underlying records of these agencies would be necessary to obtain the actual amounts loaned or granted to foreign countries for their railroads.

The Export-Import Bank has provided loans for the expansion and modernization of transportation in foreign countries (railroads, aircraft and airports, highways, automotive equipment, harbor development, vessels, construction equipment) totaling \$1,980,600,000; the amount loaned and granted by the Agency for International Development (AID) and its predecessor agencies for this purpose totals \$2,340 million; with the amount loaned by the World Bank and its affiliates as noted above, a grand total of financial assistance by these agencies to restore, make viable and modernize transport in foreign countries of \$6,736,400,000 has been provided.

The loans identified above generally do not include such items as coal and steel provided, for example, by AID through loans and grants and used for foreign railroads, since such items were included in account categories other than "railroad improvements." Further, there are other items in the accounts of all the agencies above mentioned which may include loans applied in part for the benefit of foreign railroads. For example, the \$15 million loans made by the World Bank to the Herstelbank (guaranteed by the Netherlands) is for "capital for industry, transport and commerce." The amount involved in such items for foreign railroad assistance is not determinable from the published reports, but the amount could be quite large.

Such foreign aid is unquestionably important for the economic and political security of the Western World, but it is equally important to bolster and make more secure the economy of our Nation through the maintenance of a sound transportation system within the United States. If we do not do so, then the economy of our own country may falter. A sound national transportation industry requires urgently needed financial assistance for the rehabilitation, improvement and modernization of the essential plant and equipment of distressed U.S. railroads, especially of those railroads that have been and are adversely affected by governmental policies and actions.

The largest aggregate of foreign loans for transportation has been made to India. The World Bank made nine loans to India during the years 1949 to 1961, totaling \$379 million. These sums were used to modernize the Government owned and operated Indian Railways so that it could run heavier trains at higher speeds and thus handle added traffic. Diesel locomotives were bought, 1,300 route-miles of track electrified, large-capacity freight cars were acquired, heavier track laid, and improvements made in workshops, bridges, traffic and signaling.

In addition, the bank's affiliate IDA, on March 22, 1963, made a 50-year soft loan to India in the amount of \$67,500,000 to help the Indian railways to finance imports of materials and equipment needed during 1963 for the railways' development program. This loan bears on interest, and the repayment of the principal begins May 1, 1973, with 1 percent of the principal repayable annually for 10 years and 3 percent repayable annually for the final 30 years. A service charge of three-fourths of 1 percent per annum on the amount withdrawn and outstanding is made to cover IDA's administrative costs.

Further, the Agency for International Development (AID) has made loans to India during the years 1958 to 1963, totaling \$173,900,000 for the modernization of the Indian railways, including a loan of \$15,900,000 made March 30, 1963. These are all soft loans, made for 40-year terms, with no interest charge (only a service charge by AID of three-fourths of 1 percent) and with repayment of principal beginning after 10 years.

Thus it appears that loans made by these agencies to India for the expansion and modernization of its railway system, which is central to India's overall economic development program, have totaled \$620,400,000.

Among other loans made by the World Bank for railroads in foreign countries are: \$76,100,000 to Colombia for railway modernization; \$80 million to Japan to aid the Japanese National Railways in the construction of a modern, high-speed railroad between Tokyo and Osaka; \$93,700,000 to Pakistan for railroad rehabilitation and modernization; \$72,600,000 to South Africa for railroad expansion and improvement; \$85 million to the United Kingdom for railroad improvement in Nigeria, Rhodesia, and Nyasaland; \$61 million to Mexico for railroad rehabilitation.

In addition to the loans specifically enumerated for the countries named, there have been loans and grants made by AID and the Export-Import Bank.

What have been the sources from which capital funds have been drawn to support economic development around the world, including the construction and rehabilitation of transportation facilities? In the case of U.S. agencies—AID and the Export-Import Bank—the source of funds is clearly the Federal Treasury. For the international credit agencies operating with governmental subscriptions, these funds have come immediately from the subscriptions credited to the respective member governments, but indirectly many of these subscriptions have come from other credits granted by the more advanced industrial countries. The World Bank publishes detailed information with respect to its funded debt, which on June 30, 1962, amounted to approximately \$2,500 million. The funded debt plus the paid-in subscriptions of approximately \$2,050 million provide the principal sources from which the loans of the Bank are made. Of the total funded debt, \$1,900 million, or 75 percent, was in U.S. dollar bonds; the remaining issues are payable in deutsche marks, Swiss francs, pounds sterling, Canadian dollars, Netherlands guilders, Italian lire, and Belgian francs. It is a reasonable assumption that a large proportion of the funds raised through U.S. dollar bonds has been drawn from the capital markets of the United States, although an indeterminate portion has been purchased by investors, institutions and others outside of the United States. Certainly much investment capital of U.S. origin has been channeled abroad to support, among other development projects, railroad expansion and rehabilitation in countries receiving World Bank loans.

CAPITAL NEEDS OF U.S. RAILROADS

The capital starved condition of many railroads continues to be a critical feature of the railroad crisis in the United States. Why, in capital-rich United States, which has contributed so largely to the investment needs of other economies, has a basic industry been unable to secure needed capital on reasonable terms? The answer is not to be found in any lack of capital seeking investment, nor in any lack of industrial capacity to produce equipment and supplies; there is no problem of providing foreign exchange to purchase equipment and materials from abroad. The basic difficulty lies in public policies that have tended to depress railroad earnings and hence to suppress railroad investment.

In 1958, the Congress of the United States authorized the Interstate Commerce Commission to guarantee repayment of the principal and interest on loans made by "any public or private financing institution" to railroads which would not otherwise be able to obtain essential capital on reasonable terms. Fourteen railroads have obtained loans totaling \$220,400,000 under this authorization. This aid program for distressed U.S. railroads lapsed on June 30, 1963. There is today no U.S. agency to which financially distressed railroads can turn for needed assistance to rehabilitate, improve and modernize, no matter how vital their services may be to the national economy. In contrast, all levels of government, Federal, State and local, are continually expending large sums in aid of other modes of transportation.

WORLD BANK FINANCING FOR DISTRESSED U.S. RAILROADS

Lacking such an aid program and in this emergency, why should not distressed railroads in the United States apply for financial assistance to the international agencies which the United States has so generously supported? Specifically, the World Bank

has demonstrated notable competence in assisting in railroad construction and modernization in countries in all stages of economic development.

The United States is a member of the World Bank. Under the articles of agreement establishing the Bank, the United States enjoys all the rights of other members. This includes the right to obtain loans from the Bank for the purposes set forth in the articles of agreement, and on the same terms and under the same conditions as apply to other member countries. The articles of agreement provide that "the Bank may guarantee, participate in, or make loans to any member or any political subdivision thereof and any business, industrial, and agricultural enterprise in the territories of a member," subject to specified conditions. The most important condition requires that when the member country in whose territories the project is located is not itself the borrower, "the member or the Central bank or some comparable agency of the member which is acceptable to the Bank [shall] fully guarantee the repayment of the principal and the payment of interest and other charges on loan." The guarantee required by the Bank on loans for the rehabilitation and modernization of essential but distressed U.S. railroads could be administered by the Interstate Commerce Commission, or some comparable agency, upon authorization and within the standards established by Congress.

The World Bank is the one experienced and available agency that could assist distressed U.S. railroads to become viable and thus bolster and make more secure the economy of the United States. Over the years it has mobilized the financial resources, managerial talent, and a worldwide organization, including highly skilled experts, for the accomplishment of such tasks. The Bank's experts carefully investigate each loan application to determine that the enterprise—for example, a railroad—can with adequate financial and technical assistance become viable through loans from the Bank.

Technical assistance is an important adjunct to the lending activities of the World Bank. In 1956, the Bank established a staff college on economic development—the Economic Development Institute—which organized various training programs for officials from less developed countries. In 1961, responsive to an increasing demand, the Bank established a new department, the Development Service Department, which administers the technical assistance work of the Bank and its liaison activities with other organizations in the field, such as the U.N. Technical Assistance Board; it also includes the Economic Development Institute and another new instrument set up by the Bank in 1962, the Development Advisory Service. Some member countries employ experts to make the feasibility studies needed to prepare a project or program for submission, examination and analysis by the Bank. During the fiscal year 1961–62, the Bank financed project and sector assistance studies in a number of countries, including a general transportation study in Colombia, a highway and transport study in Peru, a railway survey in Bolivia, and a general transportation study in Ecuador.

The Bank's long experience and its vast resources for economic development should not be denied to a member because it is the largest stockholder.

This proposal that distressed railroads in this country should have recourse to the World Bank will inevitably generate both skepticism and objections. Four possible objections merit consideration here.

1. The World Bank and other international financing and development institutions have been established and have operated primarily for the benefit of those countries whose economies and capital markets have been subject to wartime dislocations or

have not yet developed to the state where national industry can be financed from domestic sources. This is a historical argument that looks only to the past. In the future it may be anticipated that the World Bank and similar institutions will continue to have a function in assisting the growth and allocation of world resources and the flow of international trade.

2. It may also be objected that there should be no necessity for any developed industry in the United States to go outside of our own capital markets to secure necessary investment funds. This objection is valid inasmuch as a large proportion of the investment capital employed by international lending agencies originates in the capital accumulations of U.S. investors. However, it may be noted that there have been other segments of the American economy which have not been able to draw on capital markets to finance their economic growth, just as industries abroad have been unable to rely on their domestic resources during the postwar years. The inability of particular sectors of the economy to attract capital was recognized by the Congress when it provided special financial institutions to serve the needs of agriculture and small business, but no comparable institutions have been created, except on an emergency basis during depressions, to provide financial assistance for established industries in the United States.

3. The Federal Government might be unwilling to undertake the requisite guarantee of credits extended for railroad rehabilitation and modernization. The Government guarantee is, as noted above, an essential condition for the extension of credit by the World Bank. The reluctance of the Government to guarantee credits from the World Bank might reflect acquiescence in the attitude noted in the first objection, namely, that international financial assistance is intended to support underdeveloped and dislocated economies. Also, there might be political objections to the railroads resorting to such lending institutions, the objections coming from those who are basically unsympathetic to foreign aid and who might regard World Bank loans to railroads as strengthening a domestic special interest that would support foreign aid. It is difficult to provide answers to such objections.

4. The most serious objection to credit applications by U.S. railroads to the World Bank is that the distressed railroads could not satisfy the "financial viability" test for hard loans. If this objection has validity it is neither because the railroads do not have an essential role in the economy, nor because new capital investment cannot achieve large economies in their operations, but rather because the framework of public policy within which the railroad industry operates provides no assurance that economies will suffice to assure their financial viability. The failure to maintain a sound national transportation policy, which has brought the railroad industry to a crisis, stands as the most serious barrier to effective action for financial rehabilitation of the industry.

If for any reason, World Bank and international capital are not available to restore distressed railroads, then only two alternatives remain. If the Federal Government would act promptly to create a framework of law and regulation and encourage an industry structure in which privately operated railroads can survive, it might then be possible (1) that private capital would become available in adequate amounts to accomplish a comprehensive modernization of the railroads, or (2) that Government guarantees under suitable safeguards might be set up, perhaps through a Railroad Redevelopment Corporation, to revitalize the financially distressed but essential railroads. A failure to adopt and implement promptly

the first alternative will confront the Nation with no choice other than the piecemeal and progressive subsidization and ultimate nationalization of the common carrier industry.

AN ESSENTIAL U.S. RAILROAD IN DISTRESS

Among hard-pressed U.S. railroads that urgently need financial assistance to rehabilitate and modernize, the New York, New Haven & Hartford Railroad Co. tops the list and will serve as an example.

The New Haven Railroad is the only direct rail link between southern New England and the South and is a principal rail link between southern New England and the West. Its continued operation is essential to the welfare of all New England, the large metropolitan areas which it serves, and indeed to the United States. Yet the continued operation of the New Haven is in jeopardy.

The complex of difficulties that has long faced the New Haven Railroad is well known. The much-debated question of management aside, the difficulties arose largely from the disastrous Connecticut floods of 1955, the sharp downturn in industrial production in 1957, increased competition from trucks following the opening of the New England Thruway in 1957, which parallels New Haven's right-of-way and which has severely reduced its freight revenues, rising costs in the face of declining revenues, and heavy taxes unrelated to earning capacity. And along with other railroads, the New Haven has been adversely affected by the lack of a sound national transportation policy.

The assistance given by the Federal Government in the form of Interstate Commerce Commission guaranteed loans, made in amounts of \$5 million to \$7½ million over a period of several years, and totaling \$35,600,000, and by the States of New York, Connecticut, and Rhode Island in the form of substantial tax and other relief, has enabled the New Haven to continue operations, though on an ever-decreasing scale.

This assistance has proved inadequate. It has been a limited-objective approach as contrasted with the comprehensive program—such as the World Bank adopts in granting loans—to make the railroad a fully viable undertaking. Clearly, the continuance of New Haven's services depends upon a comprehensive approach which will assure the full rehabilitation and complete modernization of essential plant and equipment and its merger with a larger railroad system.

The development of a comprehensive rehabilitation and modernization program for the New Haven Railroad is the responsibility of management. No such program has thus far been developed, though various studies have been made. With a sound rehabilitation and modernization program and with assurance that management will complete it, an application for a loan adequate to finance that program could be made through an appropriate national agency to the World Bank. Adequate financial assistance for this distressed but essential railroad, plus the assistance which the States mentioned above should continue to give and in which all the States served by the New Haven should participate, would insure the viability of the New Haven Railroad as part of a larger railroad system.

A NATIONAL TRANSPORTATION POLICY

The foundation for any solution of the urgent problems besetting the railroad industry must be the adoption of a consistent national policy for the entire transportation industry. On April 5, 1962, the President of the United States sent a transportation message to the Congress which recognized the impossibility of continuing with conflicting responsibilities divided among some 31 Federal agencies and departments, and which emphasized the importance of creating a framework for the transportation industry which would assure equality of competitive

opportunity. The President's message stopped short of what appears to be essential: it did not provide a blueprint of the specifics of a national transportation policy, nor did it propose to go beyond a coordination of various governmental agencies.

The Congress has the ultimate responsibility for setting down precisely what the national transportation policy shall be and how it shall be achieved. Thus far Congress has failed to demonstrate any sense of urgency in seeking a solution to the transportation problem, a fact which attests to the political difficulties inherent in resolving conflicts among interest groups within the transportation industry. As a matter of political reality it might be well to recognize that the Congress is unlikely to become the prime mover in resolving the crisis in the transportation industry. Historically, Congress has shown a tendency to enact piecemeal legislation and to be unaware of the necessity for a comprehensive, coherent program for the entire industry.

The most feasible proposal for the achievement of a comprehensive national transportation policy has been offered by Gov. Nelson A. Rockefeller, of New York. On September 11, 1961, Governor Rockefeller restated his proposal for the creation of a Federal Department of Transportation, whose first responsibility should be the formulation of a national transportation policy competent to preserve the railroads and other common carriers as viable segments of a private-enterprise economy. Giving effect to such a national transportation policy would result in a consistent pattern of Federal and State regulation, the removal of regulatory and other obstacles to efficient operations, and the creation of an industry capable of providing the efficient, self-supporting services which the economy requires.

[From Traffic World magazine, Sept. 7, 1963]
THE WORLD BANK AND NEEDY U.S. RAILROADS

For those U.S. railroads that face a bleak future because they can't obtain the large loans they need in order to modernize their facilities and install new equipment to replace outworn rolling stock, an available avenue of aid was pointed out by Arne C. Wiprud, of Washington, D.C., in an article published in the July 27 issue of Traffic World, beginning on page 62. The theme of the article was that since the U.S. Government program of loan guarantees for financial troubled railroads (a program administered by the Interstate Commerce Commission) had expired on June 30, 1963, efforts should be made to get help for such carriers from one of the international lending agencies (such as the International Bank for Reconstruction and Development, commonly called the World Bank) for which the United States has put up more money than any other country.

Mr. Wiprud, former director of the New York State Office of Transportation, now consultant to the State of New York on transportation matters, has received letters from State government officials of New York and of the New England States commenting, generally favorably, on the article written by him for Traffic World. This is the substance of Mr. Wiprud's suggestion: Distressed transportation companies of this country that are needed for public service and can be restored to health should be allowed to share in the redevelopment loan programs of U.S.-supported international agencies such as the World Bank. Loans by the World Bank are made available, as a matter of policy, only to public or private establishments of foreign lands, but in its charter are no restrictions against loans to industries of this country.

The World Bank makes no loans to any public or private enterprise unless repayment of the loan is guaranteed by the government of the country in which the enterprise is located. Accordingly, in order to

enable any U.S. industry to get a World Bank loan, Congress would have to enact loan-guarantee legislation similar to that which expired June 30. The guarantee provisions could be subject to approval by the ICC or by the Department of Commerce, in the case of loans to transportation companies. To obtain a loan from the World Bank, the railroad applying would have to be found by the World Bank to be capable of becoming viable if granted a loan; in other words, the loan will not be forthcoming unless the World Bank concludes that the borrowing enterprise is capable of living, growing, and developing.

One U.S. Senator from New England voiced an objection to Mr. Wiprud's suggestion that financially troubled U.S. railroads look to the World Bank for help. How, he wanted to know, could one justify the placing of a large loan from the World Bank in the hands of a railroad management that had proved itself to be incompetent and improvident? Some readers of Mr. Wiprud's loans-for-troubled-railroads proposal have indicated that they find it difficult to understand why the New Haven and other unhappily situated railroads have not looked into the possibility of obtaining government-guaranteed loans from the World Bank. Answers to those and other questions have been found by Mr. Wiprud in the course of further research.

Referring to the Senator's query about entrusting a big loan to an incompetent management, Mr. Wiprud believes the procedure employed by the World Bank should allay the Senator's fears. These are the procedural steps:

First, the World Bank's experts study the economy of the region in which the applicant's property is located and the purposes for which the loan is sought. In the latter phase of the study the World Bank experts are accompanied by representatives of the prospective borrower. The investigators for the World Bank then make their report and their recommendations to the Board of Governors of the Bank. If the Board approves the loan requested, funds are advanced, as work on the project progresses, not to the borrower itself, but to the manufacturer and/or supplier of the equipment or materials used or installed, to the construction contractor, etc., as verified bills are forwarded by the borrower to the World Bank. From time to time thereafter, experts from the World Bank inspect the project to determine progress and the quality of the work performed.

It should be clear, therefore, that the World Bank is vigilant in ascertaining that the money it lends to a private or public enterprise for the making of specified improvements is used only to cover the costs of those improvements and is not diverted into other channels. Similar safeguards should be in legislation that would revive the government loan-guarantee program for U.S. railroads that are "in the red."

Now, to those who wonder why railroads in search of a solution of their problem of trying to convert deficits into net income have failed to explore the possibility of getting help from the World Bank, Mr. Wiprud says the simple answer seems to be that the New Haven and other carriers have overlooked this opportunity for financial and other aid that the World Bank can give to hard-pressed but essential railroads. It's possible, he suggests, that the railroads, or some of them, have been unaware of the fact that loans may be made by the World Bank to applicant enterprises from all of the member countries, including the United States, for the purposes set forth in the bank's charter.

Anyone who discusses problems of deficit-ridden railroads inevitably gets around to the question, "What's going to happen to the New Haven?" The assistance that the Federal Government gave that carrier, in the form of ICC-approved guarantees of loans, prior to expiration of the loan-guarantee law

was in amounts of \$5 to \$7.5 million and over a period of several years amounted to \$35.6 million—but it fell far short of meeting the railroad's long-term needs. The New Haven cannot now get any financial help from any Federal Government agency. Its earnings suffice to cover current wage and other expenses, but unless it can get a Government-guaranteed loan large enough to enable it to improve its roadway and structures and replace its outworn fleet of cars it will face ultimate cessation of operation as a private business enterprise. The New Haven is the only direct rail link between southern New England and the South and is a principal rail link between southern New England and the West. Its continued operation is essential to the welfare of New England "and indeed to the United States," says Mr. Wiprud.

United action by the congressional delegations of New York and New England to make relief from the World Bank available will be a big step toward restoring the health of the New Haven. No less important, of course, will be the taking of action by the New Haven itself toward obtaining such relief.

ADJOURNMENT

Mr. SPARKMAN. Mr. President, I move, pursuant to the previous order, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 25 minutes p.m.) the Senate adjourned, in executive session, under the previous order, until tomorrow, Tuesday, October 22, 1963, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 21 (legislative day of October 17), 1963:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

To be senior assistant sanitary engineers

Charles D. Larson
Francis M. McGowan
Donald W. Mantay

To be assistant sanitary engineer

Robert D. Shankland

To be senior assistant sanitarian

Gerald J. Lauer

IN THE COAST GUARD

The following-named persons to be commanders in the U.S. Coast Guard:

William R. Gill	Ward R. Turner
Frederick H. Raumer	William Miller
David S. Williams	

The following-named persons to be lieutenant commanders in the U.S. Coast Guard:

Russell D. Erickson	Marin M. Cornell
Milo A. Jordan	Lyle W. Glenn
Wilbur E. Harris	Richard R. Hoover
Stephen P. Bunting	Ludwig K. Rubinsky
Roger F. Erdmann	Victor Koll
Harry N. Hansen	Lawrence O. Hamilton
John E. Cavanaugh	Eugene C. Colson
John Atherton	John A. Packard
Clarence J. Pare, Jr.	Victor W. Sutton
Melvin H. Handley	George E. Cote
Ezekiel D. Fulcher, Jr.	Melvin H. Eaton
Christy R. Mathewson	Victor M. Adams
Warren H. Wilmot	Lee W. Bothell
"A" "J" Beard	Talmadge H. Sivills
Lavine Hubert	Charter D. Edwards
Alvin L. Kool	Robert P. Harmon
Orval K. Beall	Claude W. Jenkins
Philip S. Lincoln	George D. Miller, Jr.

Eugene Linnemann
 Carl H. Mortensen
 Harry A. Lessey
 Robert F. Anderson
 Daniel C. Giller
 Lester W. Willis
 Allen M. Wilson
 William R. Claborn
 Lynn I. Decker
 Phillip M. Griebel
 Rudolph E. Anderson
 Donald H. R. Fraser
 Donald Cobaugh
 William K. Cooper
 Christian A. Weitzel

POSTMASTERS

ALABAMA

Percy O. Morris, Demopolis, Ala., in place of J. T. Monnier, deceased.
 Malcolm M. Walding, Dothan, Ala., in place of J. H. Saxon, retired.
 David Barnhill, Robertsedale, Ala., in place of H. J. Wilters, retired.
 John A. Kelley, Uniontown, Ala., in place of E. M. Setzer, retired.

ALASKA

Oscar R. Haynes, Pelican, Alaska, in place of D. Z. Sadler, resigned.

ARIZONA

Jane T. Williams, Patagonia, Ariz., in place of W. A. Gatlin, retired.
 Charles H. Archibald, San Luis, Ariz., in place of L. M. Verdugo, retired.
 Emert W. Hawkins, Thatcher, Ariz., in place of F. M. Martin, removed.

ARKANSAS

Jacob F. Dickerson, Evening Shade, Ark., in place of Rex Hutchison, transferred.
 Wilford W. Taylor, Hoxie, Ark., in place of J. N. Cooper, deceased.

CALIFORNIA

Olive A. Jones, Castella, Calif., in place of B. M. Freese, retired.
 Leonard O. Moody, Redondo Beach, Calif., in place of R. C. Durant, retired.
 Ramona C. Hilliard, Williams, Calif., in place of H. A. Smith, deceased.

COLORADO

Ralph M. Apple, Crowley, Colo., in place of C. E. Robison, resigned.
 Louis Bruder, Jr., Oak Creek, Colo., in place of W. F. Luedke, retired.

CONNECTICUT

Helen T. Fiddner, Brookfield Center, Conn., in place of L. S. McLeod, retired.
 Edmund W. Vallera, Higganum, Conn., in place of R. A. Brookes, retired.
 John B. Condon, South Britain, Conn., in place of D. L. Condon, retired.

FLORIDA

Charles A. Miller, Bay Pines, Fla., in place of G. H. Sadler, retired.

GEORGIA

Charles J. Cunningham, Madison, Ga., in place of W. W. Baldwin, retired.

IDAHO

Harold K. Beaudreau, Nampa, Idaho, in place of W. C. Peebles, retired.
 Frederic M. Sanger, Twin Falls, Idaho, in place of W. W. Frantz, retired.

ILLINOIS

Glenn E. Jones, Bulpitt, Ill., in place of M. N. Ceyte, deceased.
 William J. Winget, Clayton, Ill., in place of R. E. Gibbs, retired.
 Eimer C. Kerley, Colp, Ill., in place of Raleigh Miller, retired.
 Bennett V. Dickman, Edwardsville, Ill., in place of R. A. Hanser, retired.
 William L. Parker, Genoa, Ill., in place of J. R. Sester, removed.

Gerald M. Davis
 Fred M. Guild, Jr.
 Herbert L. Johnson
 Howard H. Istock
 Benjamin F. Weems
 Harold W. Woolley
 Robert J. Hanson
 William I. Janicke
 Edward E. Walker
 John A. Dearden
 Charles H. Sanders
 Richard F. Goward
 Eugene P. Farley
 Joseph A. Haynes

Richard W. Kempster, London Mills, Ill., in place of L. M. La Tourette, deceased.
 Chris T. Stathis, Montgomery, Ill., in place of B. M. Paris, retired.
 Ernest W. Bradley, Jr., Raleigh, Ill., in place of E. L. Glascock, retired.
 William E. Manley, Sherman, Ill., in place of L. M. Allmon, resigned.

INDIANA

James Neugebauer, Gary, Ind., in place of Sid Charais, deceased.
 Leo C. Christensen, Hammond, Ind., in place of D. F. Clark, retired.
 Roger J. McKee, Michigan City, Ind., in place of W. L. Gilmore, retired.

IOWA

Izetta C. Bopp, Brayton, Iowa, in place of L. F. Matthews, deceased.
 Bernard F. Snyder, Larchwood, Iowa, in place of A. E. Walsh, retired.
 Orval C. McCormac, Letts, Iowa, in place of J. B. Thompson, transferred.
 Mary E. Dardis, Peosta, Iowa, in place of I. E. Heffernan, retired.
 Dorothy M. Lowell, Postville, Iowa, in place of Keith Gray, retired.
 Willard E. Leiran, Waterville, Iowa, in place of L. V. Benda, transferred.

KANSAS

John H. Grentner, Junction City, Kans., in place of J. S. Shilling, retired.
 Harold A. Tongish, McDonald, Kans., in place of J. W. Boyle, retired.

LOUISIANA

George C. Grammer, Benton, La., in place of R. M. Ivey, retired.
 George G. Benefiel, Kenner, La., in place of J. N. Martin, deceased.
 Lee L. Blanchard, Painscourtville, La., in place of F. J. Dugas, resigned.
 Pat W. Almond, Port Allen, La., in place of J. E. Butler, Jr., transferred.
 Rena G. Langlinals, Youngsville, La., in place of C. R. Duplex, retired.

MAINE

Norris L. Marston, Lubec, Maine, in place of W. E. Baker, retired.
 Leo P. Pinette, Westbrook, Maine, in place of G. C. Robinson, retired.

MARYLAND

William Telemeco, Maugansville, Md., in place of M. D. Rice, retired.
 George R. Parsons, Sr., Rock Hall, Md., in place of H. R. Price, retired.
 Albert N. Golliday, Severn, Md., in place of N. W. Clark, retired.

MASSACHUSETTS

John F. Bresclani, Hopedale, Mass., in place of William Larson, retired.
 Murray Trilling, Richmond, Mass., in place of G. N. Wheeler, deceased.

MICHIGAN

Harry L. Faling, Clarklake, Mich., in place of Dell Merry, retired.
 Linden F. Tibbitts, Columbiaville, Mich., in place of Orville Fader, Jr., removed.
 Frederick A. Heileman, Dutton, Mich., in place of M. E. Leatherman, retired.

MINNESOTA

Anton J. Foss, Houston, Minn., in place of A. S. Peterson, retired.
 Ervin T. Wiebolt, Ogema, Minn., in place of D. C. Groth, transferred.

MISSISSIPPI

Malcolm D. McAuley, Byhalla, Miss., in place of E. E. Perry, retired.
 Charles H. Hughes, Cleveland, Miss., in place of J. W. Webb, resigned.

MISSOURI

Arthur L. Giffin, Guilford, Mo., in place of E. B. Simpson, retired.

Morris W. Templeman, Meadville, Mo., in place of A. M. Gooch, transferred.
 Joe J. Kirkman, Osage Beach, Mo., in place of R. M. Laurie, resigned.
 Forrest B. Thompson, Richmond, Mo., in place of Ivan Weber, retired.

MONTANA

Leslie O. Smith, Victor, Mont., in place of J. E. Babbitt, retired.

NEBRASKA

Raymond O. Johnson, Butte, Nebr., in place of E. L. Kimball, retired.
 Gerald V. Caldwell, Campbell, Nebr., in place of E. V. Balthazor, retired.

NEW JERSEY

Michael Arillo, Jr., Allenwood, N.J., in place of W. A. Allen, retired.
 John B. White, Brielle, N.J., in place of A. L. Kroh, retired.
 Paul J. Sulla, Manville, N.J., in place of W. F. Janusz, retired.
 Warren T. Moulton, Rahway, N.J., in place of M. F. Gettings, deceased.
 Peter G. Bakutes, Somerville, N.J., in place of A. M. Lewis, retired.
 Francis A. Newman, Spring Lake, N.J., in place of C. W. Brahn, retired.

NEW YORK

A. Joseph Boulet, Gouverneur, N.Y., in place of F. E. Price, removed.
 Edward A. Lesson, Greenwich, N.Y., in place of W. J. Whitney, retired.
 John M. Hickey, Round Lake, N.Y., in place of R. S. Allen, resigned.
 Margaret B. Forbes, Smithtown, N.Y., in place of F. T. Nichols, retired.
 Paul G. Kenna, Wyoming, N.Y., in place of G. F. Powers, Jr., transferred.
 Edna E. Grossman, Woodmere, N.Y., in place of Maryan Batt, retired.

NORTH CAROLINA

Francis P. Martin, Danbury, N.C., in place of G. O. Petree, transferred.
 Eugene B. Quinn, Hendersonville, N.C., in place of Columbus Few, retired.
 Mattie L. Weathers, Lattimore, N.C., in place of L. M. Wilson, retired.
 Herbert Long, Jr., Leland, N.C., in place of M. L. Rourk, retired.
 John M. McNair, Jr., Nashville, N.C., in place of H. A. Valentine, retired.
 James D. Malloy, Parkton, N.C., in place of V. D. Martin, retired.

NORTH DAKOTA

Harley S. Durward, Bowbells, N. Dak., in place of D. J. Dolan, retired.
 George G. Schmidt, Minnewaukan, N. Dak., in place of C. M. Chapman, retired.

OHIO

Glenn G. Isenman, Canton, Ohio, in place of W. E. Dornan, retired.
 Orval V. Grove, Centerburg, Ohio, in place of H. E. McCracken, removed.
 Marcella V. Fedderke, Jewell, Ohio, in place of Jennie Spangler, retired.
 Anthony Alferio, Jr., Kipton, Ohio, in place of J. M. Brumby, resigned.
 Doris E. Thompson, Monroe, Ohio, in place of J. L. Bolin, retired.
 Billy L. Flint, New Vienna, Ohio, in place of F. L. Carey, transferred.

OKLAHOMA

Cora H. Gossman, Arapaho, Okla., in place of E. E. Wiley, retired.
 Frank H. Hall, Seminole, Okla., in place of W. E. Logan, retired.

OREGON

Stephen N. Blackmore, Cave Junction, Oreg., in place of C. Y. Arnold, retired.
 James P. Sandoz, The Dalles, Oreg., in place of Bertha Darnielle, retired.

PENNSYLVANIA

Edward L. Ricci, Ambridge, Pa., in place of E. L. Sohn, retired.
Catherine S. Golobish, East Millsboro, Pa., in place of Besse Daugherty, retired.
Roy S. King, Pitsaun, Pa., in place of P. C. Rupp, retired.

Walter P. Quintin, Thornton, Pa., in place of Lawson Stinson, resigned.
Rudolph M. Gallup, Ulster, Pa., in place of C. F. Mowry, deceased.

Florence E. Miller, Utica, Pa., in place of H. C. Brandt, retired.

PUERTO RICO

Jose D. Candelas, Jr., Manati, P.R., in place of P. M. Rivera, deceased.

SOUTH DAKOTA

Elnora L. Kempton, Peever, S. Dak., in place of A. O. Sundheim, deceased.

TENNESSEE

Curtis S. Lowery, Brownsville, Tenn., in place of J. A. Hudson, deceased.

Melvin L. Kilgore, Richard City, Tenn., in place of J. B. Hackworth, removed.

George L. Brown, Woodbury, Tenn., in place of A. M. Houston, deceased.

TEXAS

Robert E. Baccus, Athens, Tex., in place of G. A. Boswell, transferred.

James R. Smart, Farwell, Tex., in place of N. N. Lokey, resigned.

Wright H. Williams, Friona, Tex., in place of J. P. Fortenberry, declined.

Howard W. Curtis, Galena Park, Tex., in place of E. P. Minnock, removed.

Willis H. Robertson, Jr., Grand Saline, Tex., in place of B. E. Chevalier, retired.

Eugene J. Dworaczky, Hobson, Tex., in place of S. L. Pollok, transferred.

Finis L. Jeter, Kemp, Tex., in place of H. W. Haynis, retired.

Ernest C. Minyard, Sudan, Tex., in place of S. D. Hay, retired.

Leo Strange, Trinidad, Tex., in place of W. A. Trotman, retired.

VIRGINIA

Mildred M. Hill, Claudville, Va., in place of M. E. Anderson, retired.

Marquard L. Chandler, Exmore, Va., in place of M. L. Gladstone, retired.

Robert J. Owens, Ivor, Va., in place of J. C. Ralford, resigned.

Warner T. Crocker, Lovingson, Va., in place of M. L. Sheffield, retired.

George T. Cook, Jr., Newsoms, Va., in place of R. O. Griffin, retired.

LeRoy N. Hilton, Jr., St. Paul, Va., in place of M. V. Damron, retired.

WASHINGTON

Donald E. Nelson, Edmonds, Wash., in place of O. N. Sorensen, retired.

Max A. Gaston, Monitor, Wash., in place of W. M. Strutzel, retired.

Orval B. Senff, Olga, Wash., in place of W. B. Bradshaw, deceased.

Jerome W. Pfeifer, Ridgefield, Wash., in place of E. J. Claiborne, retired.

Helen M. Carlson, Skykomish, Wash., in place of John Maloney, Jr., retired.

WEST VIRGINIA

French B. Powers, East Rainelle, W. Va., in place of U. W. Grimes, retired.

Ruby E. Blevins, Hemphill, W. Va., in place of P. J. Groseclose, retired.

WISCONSIN

Eldon R. Rode, Cambria, Wis., in place of M. N. Ross, retired.

Loren G. Nelson, Cushing, Wis., in place of O. W. Lindall, retired.

Adolph L. Somers, Custer, Wis., in place of L. M. Hickey, deceased.

Michael J. Finnane, Evansville, Wis., in place of R. J. Antes, retired.

WYOMING

Ellen R. Smith, Medicine Bow, Wyo., in place of Bessie Adkins, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 21 (legislative day of October 15), 1963:

IN THE COAST GUARD

The nominations beginning Russell A. Serenberg, Jr., to be captain, and ending Edward A. Walsh, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Oct. 3, 1963.

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 21, 1963

The House met at 12 o'clock noon.

Dr. Arthur McKinley Reynolds, Arlington Forest Methodist Church, Arlington, Va., offered the following prayer:

Eternal God our Heavenly Father, who hath brought into being individuals and nations to serve Thee not as slaves but as freemen and who caused honor and liberty to burn so brightly in the hearts of our ancestors that we are here today, we thank Thee for this Nation of ours and pray that we shall cherish these virtues so highly that we shall be able to bequeath to oncoming generations that which has come to us.

Let Thy blessings be upon this distinguished branch of our Government and may their actions this day and every day bring courage to the free nations of the world and hope to the enslaved millions of the earth.

Hear us as we pray through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, October 17, 1963, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 24, 1963:

H.R. 5081. An act to authorize the Commissioners of the District of Columbia to sell a right-of-way across a portion of the District Training School grounds at Laurel, Md., and for other purposes;

H.R. 5623. An act to amend the provisions of title 14, United States Code, relating to the appointment, promotion, separation, and retirement of officers of the Coast Guard, and for other purposes; and

H.R. 6012. An act to authorize the President to proclaim regulations for preventing collisions at sea.

On October 2, 1963:

H.R. 5555. An act to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes.

On October 5, 1963:

H.R. 5250. An act to amend section 411(a) of title 38, United States Code, to increase the rates of dependency and indemnity compensation payable to widows of veterans dying from service-connected disabilities; and

H.R. 8100. An act to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, the Railroad Unemployment Insurance Act, and the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 to increase the creditable and taxable compensation, and for other purposes.

On October 8, 1963:

H.R. 6118. An act to amend the act providing for the admission of the State of Alaska into the Union with respect to the selection of public lands for the development and expansion of communities.

On October 11, 1963:

H.R. 1191. An act for the relief of Wilmer R. Bricker;

H.R. 1280. An act for the relief of Jan Koss;

H.R. 1281. An act for the relief of Capt. Leon M. Gervin;

H.R. 2303. An act for the relief of Elizabeth Kolloian Ismirian;

H.R. 2485. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939, as amended;

H.R. 3648. An act for the relief of Fiore Luigi Biasiotta;

H.R. 3762. An act for the relief of Anna C. Chmielewski;

H.R. 4075. An act for the relief of Noriyuki Miyata;

H.R. 5888. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, and for other purposes; and

H.R. 7022. An act for the relief of Marguerite Lefebvre Broughton.

On October 16, 1963:

H.R. 772. An act to provide for the transfer for urban renewal purposes of land purchased for a low-rent housing project in the city of Detroit, Mich.;

H.R. 1192. An act for the relief of William C. Doyle;

H.R. 1458. An act for the relief of Kathryn Marshall;

H.R. 1459. An act for the relief of Oliver Brown;

H.R. 1696. An act defining the interest of local public agencies in water reservoirs constructed by the Government which have been financed partially by such agencies;

H.R. 1709. An act to establish a Federal Commission on the Disposition of Alcatraz Island;

H.R. 1726. An act for the relief of William H. Woodhouse;

H.R. 2256. An act for the relief of Jose Domenech;

H.R. 2751. An act for the relief of Mrs. Jesse Franklin White;

H.R. 2770. An act for the relief of Mrs. Justine M. Dubendorf;

H.R. 2845. An act to provide that the district courts shall be always open for certain purposes, to abolish terms of court, and to regulate the sessions of the courts for transacting judicial business;

H.R. 3219. An act to provide for the payment of a reward as an expression of appreciation to Edwin and Bruce Bennett;

H.R. 3450. An act for the relief of Herbert B. Shorter, Sr.;

H.R. 3843. An act for the relief of Wallace J. Kner;

H.R. 4965. An act for the relief of certain employees of the Foreign Service of the United States;

H.R. 5307. An act for the relief of Edward T. Hughes;
 H.R. 5811. An act for the relief of L. C. Atkins & Son;
 H.R. 5812. An act for the relief of Quality Seafood, Inc.;
 H.R. 6373. An act for the relief of Robert L. Nolan; and
 H.R. 6443. An act for the relief of Mrs. Margaret L. Moore.

On October 17, 1963:

H.R. 242. An act to amend section 1820 of title 38 of the United States Code to provide for waiver of indebtedness to the United States in certain cases arising out of default on loans guaranteed or made by the Veterans' Administration;

H.R. 3369. An act for the relief of Mrs. Elizabeth G. Mason;

H.R. 4842. An act to amend the Federal Credit Union Act to extend the time of annual meetings, and for other purposes;

H.R. 6246. An act relating to the deductibility of accrued vacation pay; and

H.R. 7179. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1964, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 192. Joint resolution relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4638. An act to promote the orderly transfer of the Executive power in connection with the expiration of the term of office of a President and the inauguration of a new President.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 283. An act to amend the Small Reclamation Project Act of 1956;

S. 979. An act to amend section 332 of title 28, United States Code, in order to provide for the inclusion of a district judge or judges on the judicial council of each circuit; and

S. 1543. An act to repeal that portion of the act of March 3, 1893, which prohibits the employment, in any Government service or by any officer of the District of Columbia, any employee of the Pinkerton Detective Agency or any similar agency, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1576) entitled "An act to provide assistance in combating mental retardation through grants for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction and initial staffing of community mental health centers, and for other purposes."

NAVY SECRETARY FRED KORTH GUILTY OF CONFLICT OF INTEREST

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, several weeks ago and on the basis of evidence then accumulated by the McClellan investigating committee in connection with the award of the multibillion-dollar TFX fighter plane contract to the General Dynamics Corp., I insisted that Navy Secretary Fred Korth was guilty of conflict of interest.

The revelations of recent days, showing that Korth has been using his office as Navy Secretary, including stationery and a Navy yacht, to promote business for the Continental National Bank of Fort Worth, Tex., of which he was the president, furnish further proof that he has violated the code of conduct pertaining to his high office.

There is also the revelation that he has been named a defendant in a suit charging fraud against a Texas insurance company.

Mr. Speaker, in view of the evidence, Secretary of Defense McNamara ought to immediately cancel the TFX contract, and President Kennedy should immediately state publicly whether Navy Secretary Fred Korth was permitted to voluntarily resign, effective November 1, or whether he was fired.

CONFERENCE REPORT AND STATEMENT ON S. 1576 (H. REPT. NO. 862)

Mr. HARRIS submitted a conference report and statement on the bill (S. 1576) to provide assistance in combating mental retardation through grants for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction and initial staffing of community health centers, and for other purposes.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that it may be in order, notwithstanding that the privileged report has just been presented, to call up the conference report this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. SCHENCK. Mr. Speaker, reserving the right to object, may I inquire of the chairman of the committee if he intends to fully explain the conference report when it is brought up?

Mr. HARRIS. I may say to the gentleman it is my intention with other members of the conference committee to explain in full the conference report. I should like to say to the gentleman I do this because we did not have the privilege of filing the report last week prior to

adjournment of the House. We had no idea that the conferees would get together on the bill. We were at an impasse and it looked like it would be impossible to reach agreement and, therefore, I did not ask permission to file it at that time. To our amazement and complete satisfaction the conferees did agree. I have just now had the opportunity of filing the report. I am leaving late this afternoon as one of the delegates appointed by the Speaker to the U.S. delegation at an international conference in Geneva, and I would like to get the report considered before I leave. That is the reason for asking for this privilege.

Mr. SCHENCK. Mr. Speaker, may I say we are perfectly willing to have the report brought up at this time because it is the unanimous report of all the conferees on the part of the House and the Senate. The House conferees did maintain the position taken by the House, also the Senate adopted and approved it. Also, Mr. Speaker, in view of the fact that our chairman is leaving for this important official assignment, it would seem to us we should make an exception today and agree to take up this report.

Mr. ARENDS. Mr. Speaker, reserving the right to object, and I shall not object, in view of the circumstances explained by the gentleman from Arkansas. May I ask the chairman if you have agreed on any time later in the day for consideration of this conference report?

Mr. HARRIS. That is up to the Speaker. It is his prerogative. I assume it will be following the Consent Calendar, and disposition of the bill to be considered under suspension, but that is up to the Speaker.

Mr. ARENDS. I understand. The only statement I should like to make to the gentleman is that I trust this action later today will not in any way set a precedent. It is unusual procedure, but under the circumstances that prevail at the moment I voice no objection to consideration of the conference report later on in the day.

Mr. HARRIS. I would not want it to be a precedent.

Mr. GROSS. Mr. Speaker, reserving the right to object, I want it clearly understood that this is not to be considered as establishing any kind of precedent. It is extremely fast action to bring a conference report to the House and within an hour or so consider it without having conformed to the rules which require that it lay over. I want it thoroughly understood, therefore, this is not to be considered as a precedent but, rather, in the nature of an accommodation under the circumstances to the gentleman from Arkansas (Mr. HARRIS).

Mr. HARRIS. I thank the gentleman very much. I would not have made this request except for the unusual circumstances.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

OPERATION OF THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 170)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed with illustrations:

To the Congress of the United States:

I hereby transmit the seventh annual report on the operation of the trade agreements program. The report covers the year in which the Trade Agreement Extension Act of 1958 expired and the Trade Expansion Act of 1962 took effect.

During this period of transition:

Free world trade continued to expand with exports climbing to a record \$124 billion and with U.S. exports alone reaching a new high of \$20.9 billion—\$4.5 billion more than our imports.

There was further freeing of trade in agriculture, helping U.S. farm exports to hold their own at the \$5 billion mark.

The needs of the less-developed countries in their trade relations received more attention than ever before.

The advent of the Trade Expansion Act was followed almost immediately by actions described in this report (and others that have since taken place) to put its provisions into effect. These actions have gone forward on schedule despite the temporary setback in the movement toward European economic unity.

A new round of trade negotiations under the General Agreement on Tariffs and Trade has now been scheduled. The negotiations can lead to an expansion of free world trade in all products and in all directions. They can help deal with the problem of agricultural protectionism and the dilemma of hunger and glut. They can turn trade into a more effective tool of economic growth for the developing nations.

This report tells of barriers to U.S. trade that have been eliminated or reduced in the past year. It also describes some that still exist and new ones that have been created. Every nation maintaining old barriers or imposing new ones has a reason for doing so, but all nations, including our own, will benefit more from the expansion of trade than from restrictions that curtail trade.

The United States will continue to press for the removal of all restrictions that hinder our exports. It will also continue to follow a national policy of self-restraint in the use of restrictions and of confidence in the intentions of our trading partners to do the same. This is the policy laid down by the Trade Expansion Act. Our adherence to it is essential to the maintenance of the upward course of free world trade described in this report.

JOHN F. KENNEDY.

THE WHITE HOUSE, October 21, 1963.

CIX—1256

MRS. GENEVA H. TRISLER

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2268) for the relief of Mrs. Geneva H. Trisler, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Geneva H. Trisler, of Baton Rouge, Louisiana, the sum of \$322.56. This sum represents the amount remaining due as compensation for services rendered the United States Post Office, Baton Rouge, Louisiana, during the period November 1, 1949, to and including May 7, 1952: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SP5C. CURTIS MELTON, JR.

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6377) for the relief of Sp5c. Curtis Melton, Jr., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "\$1,180.95" and insert "\$1,000".

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

ACQUISITION OF PROPERTY IN SQUARE 758 IN THE DISTRICT OF COLUMBIA

The Clerk called the bill (S. 254) to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

DEPARTMENT OF AGRICULTURE

The Clerk called the bill (H.R. 7155) to facilitate the work of the Department of Agriculture, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

PAYMENT OF TRANSPORTATION OF PRIVATE VEHICLES OF GOVERNMENT EMPLOYEES IN ALASKA

The Clerk called the bill (H.R. 1959) to authorize the transportation of privately owned motor vehicles of Government employees assigned to duty in Alaska.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CONTE. Reserving the right to object, Mr. Speaker, the last time we were considering this bill my colleague from Michigan [Mr. Ford] asked a question of the Member in charge of the bill, who said he would do some research on the question and would have the answer today.

Mr. ROSENTHAL. Mr. Speaker, on October 10 the chairman of the Committee on Government Operations, the gentleman from Illinois [Mr. Dawson], wrote to the gentleman from Michigan [Mr. Ford] and I think answered all the inquiries he raised. The gentleman from Michigan's [Mr. Ford] inquiries were directed to the question of whether there was any intention on the part of the military or whether there was included in the legislation any provision for the military to be included and for their vehicles to be transported. I will read the portion of the letter which I think is pertinent to the inquiry:

I have had this matter investigated to make certain of the facts. Under Section 2634 of title 10 of the United States Code the authority to transport motor vehicles for military personnel is given in the following language:

"When a member of an Armed Force is ordered to make a permanent change of station, one motor vehicle owned by him and for his personal use may be transported to his new station at the expense of the United States (1) on a vessel owned by the United States; or (2) by privately owned American shipping services."

The bill, H.R. 1959, as reported by our committee, does not diminish, enlarge, or in any way affect present law for the military and would set no precedent for them in any way. The bill relates only to civilian employees of the Government and provides for them a benefit that the military already possesses.

I think that should adequately answer the inquiry.

Mr. CONTE. Mr. Speaker, I withdraw my reservation of the right to object.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 1(f) of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-1(f)) is amended by adding at the end thereof a new sentence as follows: "For the purposes of this subsection, Alaska shall be considered to be outside the continental limits of the United States."

With the following committee amendment:

Page 1, line 6, insert "and subsection (e)" immediately before the comma.

The committee amendment was agreed to.

Mr. ROSENTHAL. Mr. Speaker, I offer a technical amendment to the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 6, delete the comma after "subsection" and insert a comma after "(e)".

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the transportation of privately owned motor vehicles of Government employees assigned to duty in Alaska, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING ESTABLISHMENT OF THE ST. GAUDENS NATIONAL HISTORIC SITE, N.H.

The Clerk called the bill (H.R. 4018) to authorize establishment of the St. Gaudens National Historic Site, N.H., and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RESEARCH INTO SPINAL CORD INJURIES

The Clerk called the bill (H.R. 8677) to amend title 38, United States Code, to set aside funds for research into spinal cord injuries and diseases.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HARSHA. Mr. Speaker, reserving the right to object, as I understand it this administration is not too enchanted with this legislation. I notice from the information that I have that the Bureau of the Budget has not indicated its views with respect to this legislation. Under the rules, by which the official objectors generally proceed, there is a requirement that if the views of the Bureau of the

Budget are not indicated that the situation would be explained to the House. I wonder if the gentleman could tell us the situation with regard to the Bureau of the Budget.

Mr. DORN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a letter by Mr. William P. Green, national director of the Paralyzed Veterans of America, Inc.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, the bill provides that funds appropriated for research in the Veterans' Administration shall have set aside in each fiscal year beginning on July 1, 1964, and ending June 30, 1970, a total of not less than \$100,000 for research into spinal cord injuries and diseases and other diseases that lead to paralysis of the lower extremities.

This bill was introduced at the request of the Paralyzed Veterans' Association and would accomplish this simple purpose stated in the paragraph above and would not cause any additional appropriation.

Section 216(c) of title 38 specifically directs the Administrator to conduct research in the field of prosthetic appliances, prosthesis, and similar devices. The present research program in the Veterans' Administration in this general field totals approximately three times the dollar amount set forth in this bill. Currently the VA is spending \$338,000 on this item. Enactment of this bill will serve to focus attention on the needs of this particular group and will in no way, in the opinion of the committee, interfere with the research program of the Veterans' Administration.

Naturally, I will say to my distinguished friend, the gentleman from Ohio, that the Bureau would concur in the objection of the Veterans' Administration. However, I hope my distinguished and able friend will not object to this bill because I think it is a means and the only means we have to bring to the attention of this country the condition of some of our paralyzed veterans. This bill is advocated by the Paralyzed Veterans of America, Inc. The Veterans' Administration spends approximately \$30 million annually on research and this only sets aside \$100,000 of this \$30 million for research spent annually by the Veterans' Administration to focus attention upon this particular ailment and to further research and study of the spinal cord and the effect on the lower extremities of the body of any injury to this vital organ in cases involving our paralyzed veterans.

Mr. Speaker, this bill was reported unanimously by the committee and I think it is a good bill.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman.

Mr. LAIRD. I would like to direct a question to our colleague on the Committee on Veterans' Affairs. The gentleman has mentioned about \$100,000 in

research work in this area. We are presently spending many times that amount in grants on research in this specific area at the National Institutes of Health. I wonder how much consideration the Veterans' Committee gave to this work that is presently being carried out at the National Institutes of Health. We have some 15 grants going to colleges and medical schools throughout the United States, specific grants in this area. Some of these grants are as old as 7 and 8 years. Effective research work is going on in this area and I am sure the Veterans' Administration is aware of this program. Did the committee give any consideration to it?

Mr. DORN. I can assure my friend, the gentleman from Wisconsin, that the committee was aware of vast expenditures in other categories and the NIH I am glad to say, makes research grants to the VA.

Mr. LAIRD. No, this is earmarked for this kind of work. This is a specific grant.

Mr. DORN. I would also like to point out that this \$30 million for research is being spent by the Veterans' Administration annually. This bill does not involve one single new appropriation of 5 cents. It does focus, I would like to say to my friend, the attention of the country on this peculiar situation. Paralyzed veterans came before the committee.

Mr. LAIRD. If I may point out to the gentleman, I am afraid what it is doing is playing down the significance of the large amount—of the \$900 million—given to the NIH and the some 15 to 24 grants specifically in this area which run much larger than \$100,000.

Mr. DORN. I can assure my friend there is no effort on the part of this committee to play down that noble undertaking and the vast expenditure of money in these areas.

The committee is endeavoring to emphasize this study just as the gentleman from Wisconsin has by his helpful statement. Work performed by the NIH will benefit both veteran and nonveteran and the same will be true of work performed in this field by the Veterans' Administration. The neurology office at the NIH has advised me that currently that agency has assigned \$182,863 for intramural research on spinal cord diseases; \$125,185 for extramural research on spinal cord diseases and of this latter amount \$96,671 is earmarked for study of paraplegics. May I again thank the gentleman for his helpful comment in stressing the importance of this type of study and setting the record straight as to the intent of the Congress on this point. Of course the Committee on Veterans' Affairs intends to upgrade such study by this action.

I do hope the gentlemen will interpose no real objection to this bill which will not cost one additional red cent.

Mr. Speaker, at this point I would like to include a letter by Mr. William P. Green, national director of the Paralyzed Veterans of America, Inc., showing what that organization is doing in this field.

The letter referred to is as follows:

PARALYZED VETERANS OF AMERICA, INC.,
Needham, Mass., October 18, 1963.
Hon. OLIN TEAGUE,
Chairman, House Veterans Affairs Committee,
House Office Building, Washington,
D.C.

DEAR MR. TEAGUE: We are following our conversation of H.R. 8677 for spinal cord research with this short summary of PVA's efforts and projects in this area.

In 1947, as a means of fulfilling one of our purposes, we sponsored the National Paraplegia Foundation, and until this year channeled all our efforts through that organization. Our efforts in their behalf have helped to keep them functioning in the areas of research and education for 15 years.

In the past year, our fundraising greeting card program has expanded so that we are able to plan a 2-year program for spinal cord injury research rehabilitation and education as follows:

First, \$15,000 for the National Paraplegia Foundation, to help finance a three-State study on paraplegia needs.

Second, \$10,000 to the Dr. Bors research project in Long Beach, Calif.

Third, \$7,000 a year (\$14,000) to be donated in the names of PVA chapters to their designated projects.

Fourth, \$2,000 per year (\$4,000) for the medical student spinal cord essay contest.

These projects total \$43,000 over the 2-year period.

In addition to these direct projects, we are attempting to find funds to publish a book by Dr. Ernest Comar and our chapters are engaged in public education projects.

These efforts on our part are sincere attempts to better the treatment of spinal cord injury or disease patients. Twenty years ago, the term paraplegia was known to the medical profession; lay people couldn't even pronounce it. Today, it is recognized; and there are a few good centers for treatment. We hope to make further advances.

The particular bill, H.R. 8677, calling for \$100,000 a year for spinal cord research by the Veterans' Administration is an excellent means of strengthening and bettering the VA's program of treatment for spinal cord injury. It should serve to attract doctors into the VA spinal cord injury services—a much needed and desired goal.

Speaking for the PVA and a host of civilian paraplegias and those who unfortunately will be paraplegias, I can say that the Congress will be doing a great service to all by passing H.R. 8677.

Respectfully,

WILLIAM P. GREEN,
National Director.

Mr. HARSHA. I thank the gentleman from South Carolina. Mr. Speaker, I have no objections, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 216(c) of title 38, United States Code, is amended by adding at the end thereof the following: "For each fiscal year in the period beginning July 1, 1964, and ending June 30, 1970, the Administrator shall set aside not less than \$100,000 of such appropriated funds for the conduct of research into spinal cord injuries and diseases, and other disabilities that lead to paralysis of the lower extremities."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks immediately after the passage of the bill, H.R. 8677.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 8677. This bill will authorize \$100,000 of the funds appropriated for research in the field of prosthetic appliances, orthopedic appliances and similar devices to be specifically earmarked for the conduct of research into spinal cord injuries and diseases and other disabilities leading to paralysis of the lower extremities. The bill provides that this authority shall exist for a period of 6 years. The Veterans' Administration indicates that its present research expenditures now approximate and possibly exceeds \$100,000 a year. Enactment of the bill will, therefore, not result in the expenditure of additional funds. Instead, it will make mandatory the expenditure of an amount approximate to that already being expended for this worthy purpose. Enactment of this bill will serve to focus attention on the specialized needs of paralyzed veterans. I urge its approval.

GETTYSBURG ADDRESS DAY

The Clerk called the resolution (H. J. Res. 747) authorizing and requesting the President to proclaim November 19, 1963, as Gettysburg Address Centennial Day.

There being no objection, the Clerk read the resolution, as follows:

Whereas November 19, 1963, will mark the one hundredth anniversary of Abraham Lincoln's Gettysburg Address: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating November 19, 1963, as Gettysburg Address Centennial Day, and calling upon the people of the United States to observe that event with appropriate ceremonies on that date and during the week of November 17 through November 23, 1963.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

LAKE ERIE SESQUICENTENNIAL

The Clerk called the bill (S. 1828) to amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

CANDELA AS THE UNIT OF LUMINOUS INTENSITY

The Clerk called the bill (S. 1064) to amend the act redefining the units and establishing the standards of electrical

and photometric measurements to provide that the candela shall be the unit of luminous intensity.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to redefine the units and establish the standards of electrical and photometric measurements" (Act of July 21, 1950; 64 Stat. 370) is amended by deleting the word "candle" wherever it appears and inserting in lieu thereof the word "candela".

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMEND ORGANIC ACT OF THE NATIONAL BUREAU OF STANDARDS

The Clerk called the bill (H.R. 5838) to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask a question or two of someone who is familiar with this bill, specifically with reference to language to be found in the report on page 3, which says that "this bill is necessary, therefore, to provide the National Bureau of Standards with the necessary authority to furnish direct service to other countries" and so on and so forth.

What countries are to be provided service and in what amount?

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. MILLER of California. I would say that this is a reciprocal matter that takes place in countries that are friendly to us. I do not know that there is any money involved, but it allows them to exchange these services with other countries.

Mr. GROSS. What is the purpose of the bill, if the gentleman will explain it briefly?

Mr. MILLER of California. The purpose of the bill is to allow the Bureau of Standards to update its practices with respect to a number of items where over the years it has slipped. It is very simple. There is no money involved in the bill except for the use of certain unappropriated funds in the amount of not to exceed \$1,000 a year that can be used by the Bureau of Standards for entertainment purposes. Visiting scientists come here and are entertained as a matter of courtesy just as our scientists are entertained when they go abroad. There is no money provided or appropriated by Congress for this, but an old practice is that all funds earned or honorariums which are paid to members of the staff for speeches or articles that are made by them are deposited with the Bureau of

Standards. We are asking that they be allowed to use \$1,000 a year from these funds for this purpose.

Mr. GROSS. I am still concerned with the language which again I find on page 1 as well as page 3 of the report:

Permit the Bureau to perform services for international organizations and governments of free countries and their laboratories.

Perhaps there is no additional money in this bill, but if they are going to expand to the point where they provide services for foreign governments, then someone will be here with a bill asking for additional money for that purpose and they will point to this bill and say, "You made this possible; you agreed to approve this bill," and away we will go again with an additional appropriation.

Mr. MILLER of California. No. I think the gentleman misses the point. If he as an individual or if General Motors Corp. should go to the Bureau of Standards and ask them to perform some service, they are paid for that service and there is a fee attached to it. They pay this fee. This allows the National Bureau of Standards to do the same thing and sell them certain standard samples that are used to gage other things by, and it allows them to do this for friendly countries just as they do it for our own people.

Mr. GROSS. I see no analogy between the General Motors Corp. and at least one of the stated purposes of this bill—in connection with performing of additional services for international organizations and governments.

Mr. Speaker, until I can learn more about what is contemplated under this provision, I must ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

FUNCTIONS OF THE BEACH EROSION BOARD

The Clerk called the bill (S. 1523) to make certain changes in the functions of the Beach Erosion Board and the Board of Engineers for Rivers and Harbors, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board established by section 2 of the River and Harbor Act approved July 3, 1930, as amended (33 U.S.C. 426), referred to as the Beach Erosion Board, is hereby abolished. There shall be established under the Chief of Engineers, United States Army, a Coastal Engineering Research Center which, except as hereinafter provided in section 2 hereof, shall be vested with all the functions of the Beach Erosion Board, including the authority to make general investigations as provided in section 1 of the Act approved July 31, 1945 (59 Stat. 508), and such additional functions as the Chief of Engineers may assign.

Sec. 2. The functions of the Coastal Engineering Research Center established by section 1 of this Act, shall be conducted with the guidance and advice of a Board on Coastal Engineering Research, constituted by the Chief of Engineers in the same manner as the present Beach Erosion Board.

Sec. 3. All functions of the Beach Erosion Board pertaining to review of reports of investigations made concerning erosion of the shores of coastal and lake waters, and the protection of such shores, are hereby transferred to the Board established by section 3 of the River and Harbor Act approved June 13, 1902, as amended (33 U.S.C. 541), referred to as the Board of Engineers for Rivers and Harbors.

With the following committee amendment:

On page 1, line 9, strike out "2" and insert in lieu thereof "3".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PROJECT ON THE MISSISSIPPI AT MUSCATINE, IOWA

The Clerk called the bill (H.R. 5244) to modify the project on the Mississippi River at Muscatine, Iowa, to permit the use of certain property for public park purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project on the Mississippi River at Muscatine, Iowa, authorized in section 101 of the Rivers and Harbors Act, 1950, is hereby modified to provide—

(a) that in addition to all other purposes set forth in House Document 733, Eightieth Congress, to which local interests agreed to put the real property described in section 2 of this Act, such property may be used by the city of Muscatine, Iowa, for public park and recreation purposes;

(b) that local interests shall only be required to furnish for said project such commercial harbor facilities as the local governmental body charged with the control and supervision of the public lands described in section 2 of this Act shall deem necessary or advisable to meet the public demand for commercial harbor facilities.

Sec. 2. The real property referred to in the first section of this Act is a tract of land situated in the county of Muscatine, State of Iowa, being part of the original town of Muscatine, located in the southwest quarter section 36, township 77 north, range 2 west, of the fifth principal meridian, more particularly described as follows:

Beginning at the intersection of the extension of the westerly line of Orange Street of said original town of Muscatine and the southerly right-of-way line of the Chicago, Rock Island, and Pacific Railroad; thence southeasterly along said westerly line of Orange Street extended to a point 265 feet from the southeasterly corner of block 16 of said original town of Muscatine; thence northeasterly to a point on the extension of the easterly line of said Orange Street, 265 feet from the southwesterly corner of block 17; then continuing southeasterly along said easterly line of said Orange Street extended a distance of 450 feet, more or less, to the harbor line established by the United States Government at the city of Muscatine, Iowa; thence northeasterly and upstream along said harbor line to a point on the extension of the northeasterly line of lot 3, block 19, of the original town of Muscatine, Iowa; thence northwesterly along said line to the southerly right-of-way line of the Chicago, Rock Island, and Pacific Railroad; thence southwesterly along said right-of-way line to the point of beginning; containing 10 acres, more or less.

With the following committee amendments:

Page 2 strike out lines 3 through 8, and insert in lieu thereof the following:

"(b) that local interests shall provide and maintain at local expense adequate public terminal and transfer facilities open to all on equal terms."

Page 3 strike out line 2, and insert in lieu thereof the following: "proposed harbor line as set forth on plate 1 of House Document Numbered 733, 80th Congress."

Page 3, line 4, immediately after "said" insert "proposed".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CONVEY PROPERTY TO WAUKEGAN PORT DISTRICT, ILL.

The Clerk called the bill (H.R. 6001) to authorize the conveyance to the Waukegan Port District, Ill., of certain real property of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey to the Waukegan Port District, Illinois, without monetary consideration, all of the right, title, and interest of the United States in and to the real property described in section 2 of this Act, subject to the condition that such port district will maintain the existing steel sheet pile bulkhead in such condition as to prevent the escape of material into the harbor and that such property will be used for public harbor purposes. If such real property shall ever cease to be used for such purposes, all the right, title, and interest to such property shall revert to the United States, which shall have the immediate right to entry thereon.

Sec. 2. The real property referred to in the first section of this Act is more particularly described as follows:

That part of fractional section 22, township 45 north, range 12 east of the third principal meridian, described as follows: Beginning at a point 181.5 feet north of the one-half section line of said section 22, and 1,131.5 feet, more or less, east of the west line of said section 22, which point is on the westerly line of the pier or dock forming the east side of Waukegan Harbor, thence due east 100 feet, thence due south 375 feet, more or less, to the southwest face of pier or dock, thence north approximately 42 degrees west 146 feet, more or less, along the face of said dock to its junction with north and south dock, thence north 262 feet, more or less, along face of said dock, to the point of beginning, situated in the county of Lake and State of Illinois, excepting therefrom that part thereof, now submerged, lying west of the existing steel sheet pile bulkhead now forming the east side of Waukegan Harbor, which part was heretofore cut away by the United States for the purpose of widening and improving Waukegan Harbor for the benefit of navigation passing to and from docks in slip numbered 1 and along the inner basin to the north.

With the following committee amendment:

Page 1, beginning in line 9, strike out "in such condition as to prevent the escape of material into the harbor," and insert in lieu thereof "in good condition for the protec-

tion of passing navigation and prevention of the escape of material into the harbor".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. McCLODY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLODY. Mr. Speaker, the bill just passed by the House (H.R. 6001) will enable the Waukegan Port District to acquire jurisdiction of the balance of the property lying within the area of the Waukegan Harbor.

Construction of the harbor at Waukegan, Ill., which is the largest city in my congressional district—the 12th Illinois Congressional District, Lake, McHenry, and Boone Counties—was authorized by the Rivers and Harbors Act of June 14, 1880:

In compliance with a requirement that the site and a free right-of-way to all points of the harbor be transferred to the United States free of cost as a prerequisite to construction of the harbor, the city of Waukegan, by deed dated August 24, 1880, donated to the United States approximately 5.2 acres of land along the west shore of Lake Michigan. As a result of the construction additional land area was formed through accretion.

Part of the accreted area was conveyed to the city of Waukegan on May 28, 1926, by the Secretary of War, under authority of the act of June 13, 1902 (32 Stat. 373), for a consideration of \$1,000 and on condition that the city would obtain from the State of Illinois a conveyance to the United States of another parcel of land in the harbor area. In fulfillment of this condition, the State of Illinois conveyed the designated parcel of land to the United States on August 30, 1929. The land described in H.R. 6001 is the remaining portion of the land conveyed to the United States by the State. Since that time, however, approximately 23 percent of the area has been cut away for harbor improvement. The presently remaining portion of the land contains no improvements or facilities except two sheet pile bulkheads, now forming the westerly and southerly sides of the land. (H. Rept. No. 850, Oct. 14, 1963.)

It was my privilege, as a member of the Illinois State Senate, to sponsor a bill providing for the creation of the Waukegan Port District. Under the authority of this legislation, as implemented by modest appropriations of State funds and improvements effected by the U.S. Corps of Engineers, the Waukegan Harbor has been developed for commercial traffic. It has facilities for accommodating domestic shipping as well as for ships entering the Great Lakes through the St. Lawrence Seaway from ports throughout the world.

Excellent freight service is available at the Waukegan Port over the tracks of the Chicago & Northwestern Railway, as well as the Elgin, Joliet & Eastern Railway. This rail service coupled with the convenient access to the harbor by major highways for motor transporta-

tion portends a promising future for the Port of Waukegan.

The board members of the Waukegan Port District are now devoting attention to the establishment of a marina, on this great western shore of Lake Michigan, to serve the mounting interest in pleasure craft.

In the passage of H.R. 6001, the position of the Waukegan Port District will be strengthened in its efforts to further improve the Waukegan Harbor for commerce as well as for the recreational activities of the residents and neighbors of the 12th Congressional District of Illinois.

I commend the Waukegan Port District board members for devoting themselves to the work of developing the Waukegan Port District. This includes the past president, William F. O'Meara, president, Citizens National Bank, Waukegan; the new chairman, Gen. Joseph A. Teece, U.S. Army, retired, vice president, Fansteel Metallurgical Corp., North Chicago; Joseph L. Rayniak, executive vice president, Outboard Marine Corp., Waukegan; Elwyn F. Wightman, CLU, Waukegan; William T. Kirby, counselor at law, Waukegan; Richard F. Kennedy, assistant to the publisher of the Waukegan News-Sun; and a former very active member of the board as well as a leading citizen, F. Ward Just, publisher of the Waukegan News-Sun. They have all worked without compensation and, frequently, at substantial personal expense.

I appreciate the cooperation of the U.S. Corps of Engineers who recognized the wisdom of this bill to authorize the conveyance of Federal property to the Waukegan Port District. I am grateful also to my colleagues for their support, in behalf of the Waukegan community as well as the welfare of all of the residents of the 12th Congressional District of Illinois.

CALL OF THE HOUSE

Mr. EVERETT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 175]

Abele	Cunningham	Halleck
Ayres	Daddario	Halpern
Barrett	Denton	Hoeven
Barry	Derwinski	Hoffman
Bass	Devine	Holland
Berry	Diggs	Jennings
Blatnik	Dulski	Joelson
Bolling	Dwyer	Kelly
Bolton	Elliott	Keogh
Frances P.	Ellsworth	Kilburn
Brock	Fallon	Kluczynski
Bromwell	Feighan	Knox
Broyhill, Va.	Findley	Kyl
Bruce	Fogarty	Landrum
Cahill	Ford	Lipcomb
Cameron	Foreman	Long, La.
Celler	Frelinghuysen	McDade
Chelf	Fuqua	McDowell
Clancy	Glenn	McIntire
Cohelan	Goodell	McLoskey
Collier	Griffiths	Macdonald
Cooley	Gurney	Mailliard
Corbett	Hagan, Ga.	Martin, Mass.
Corman	Hall	Michel

Miller, N.Y.
Monagan
Montoya
Moorhead
Morrison
Moss
Multer
Nelsen
Nix
O'Brien, Ill.
Osmer
Passman
Patman
Pepper
Poage
Powell
Price

Relfel
Rivers, S.C.
Roberts, Ala.
Robison
Rodino
Rogers, Tex.
Roosevelt
Rostenkowski
Roudebush
St. George
St. Onge
Shelley
Shriver
Sibal
Slack
Smith, Iowa
Springer

Staebler
Steed
Stubblefield
Teague, Tex.
Thompson, La.
Thornberry
Tollefson
Tuck
Vinson
Watson
Westland
Whalley
Whitten
Willis
Wilson
Charles H.

The SPEAKER. On this rollcall, 311 Members have answered to their names. A quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZATION FOR CERTAIN RIVER BASIN PLANS

Mr. DAVIS of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8667) authorizing additional appropriations for the prosecution of comprehensive plans for certain river basins.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$4,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in central and southern Florida, authorized by the Act of June 30, 1948, as amended and supplemented.

(b) In addition to previous authorization, there is hereby authorized to be appropriated the sum of \$14,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the Brazos River Basin, authorized by the Flood Control Act of September 3, 1954, as amended and supplemented.

(c) In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$31,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the Arkansas River Basin, authorized by the Flood Control Act of June 28, 1938, as amended and supplemented.

(d) In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$1,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the White River Basin, authorized by the Flood Control Act of June 28, 1938, as amended and supplemented.

(e) In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$47,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the Ohio River Basin, authorized by the Flood Control Act of June 22, 1936, as amended and supplemented.

(f) In addition to previous authorizations there is hereby authorized to be appropriated the sum of \$12,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the Los Angeles-San Gabriel River Basin authorized by the Flood Control Act of August 18, 1941, as amended and supplemented.

(g) In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$36,000,000 for the projects and plans for the Columbia River Basin, including the Willamette River Basin, authorized by the Flood Control Acts of June 28, 1938, August 18, 1941, December 22, 1944, July 24,

1946, May 17, 1950, September 3, 1954, July 3, 1958, July 14, 1960, and October 23, 1962.

The SPEAKER. Is a second demanded?

Mr. ALGER. Mr. Speaker, I demand a second.

Mr. OLSEN of Montana. Mr. Speaker, a parliamentary inquiry.

Mr. SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. OLSEN of Montana. Mr. Speaker, I am against the bill. I ask whether or not the gentleman qualifies.

The SPEAKER. The Chair will ask the gentleman, in the light of the parliamentary inquiry, is the gentleman from Texas opposed to the bill?

Mr. ALGER. I am opposed to the bill, Mr. Speaker.

The SPEAKER. The gentleman qualifies, and without objection a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Tennessee is recognized for 20 minutes.

Mr. DAVIS of Tennessee. Mr. Speaker, this is an urgent piece of legislation. If I may beseech, for the few minutes we have, your undivided attention, I should like to give you as thorough an explanation and as chronological an explanation of this bill as it is possible for me to give. So, then, with your attention, I should like to say at the outset that I was assigned to the full Committee on Flood Control before the Reorganization Act of 1946, about 20 years ago. I have served on the Committee on Public Works since that time. I am now the chairman of the Subcommittee on Flood Control of the Committee on Public Works where the gentleman from New York, the Honorable CHARLES A. BUCKLEY, serves with distinction as the chairman of the full committee. In all of those years, my colleagues, I have sought to follow the Golden Rule. I have tried to look after my associates as I would like them to look after me. Over the years it has been my privilege to work with a fine committee and to be supported almost wholeheartedly by the able members of the representation on the minority side in the presentation of a great number of omnibus bills. These bills are not easy to draft. Hearings of great length are required.

Mr. Speaker, I may say by preface that the first comprehensive river basin bill was passed in 1936. Subsequently, usually at 2-year intervals, other similar bills were passed.

Now, if I may use a general illustration, seeing my good friend, the gentleman from Ohio [Mr. BROWN], sitting here, say the Ohio River Basin was authorized as a comprehensive plan in the sum of \$100 million. Then as individual projects were authorized and the Appropriations Committee appropriated the money, the limit of \$100 million was, as I like to term it, a credit ceiling. Then as these individual projects progressed and they would be without funds, the Congress reserved to itself the opportunity and the responsibility of reviewing the projects possibly making appropriate changes or adding to it the necessary money requirements to complete them.

So, then, last year we had a bill which took a great many weeks, and you will recall that in the last hours of the night before we adjourned on Saturday last year, we passed an omnibus bill authorizing \$2.3 billion worth of projects. We were able to accommodate the wishes and the desires and the merits of a great number of our colleagues who were interested in meritorious projects.

It was necessary for us to go to conference because the other body added some highly controversial projects which have not been reviewed by the House committee. We appeared before the Committee on Rules and were granted a rule. While I, just like you, are here to work we literally spent hours in the day and in the night on the bill. I shall forever remember the gentleman from Alabama [Mr. JONES], the gentleman from Minnesota [Mr. BLATNIK], the gentleman from California [Mr. BALDWIN], and the gentleman from Florida [Mr. CRAMER], as we sat together to work out the differences in the Senate and House bills.

Mr. Speaker, I promised the House at that time that as chairman of the conference I would sustain as far as possible the position of this body. Fortunately, I say it with all modesty, we were able to sustain that position. So, then, there were some seven highly controversial projects, some supported most vigorously and some opposed just as vigorously.

So I, and the late Senator Kerr, for whose memory I have the deepest affection, agreed that so far as the House was concerned we would hold hearings this year on those highly controversial projects which we excluded from the bill. I am delighted to report that we have conducted those hearings and they have been with thoroughness.

Now, Mr. Speaker, the committee has not yet acted formally upon those projects. That does not mean that we may not act this year nor certainly early next year because in my own personal judgment an omnibus bill is necessary and essential because a great number of favorable projects have been received, yes, in the last few weeks.

Now, Mr. Speaker, where does that bring us? In May of this year we learned that the Los Angeles drainage project was out of money, and it is out of money today. It would have been stopped had it not been for a utility district or some district out there loaning the money for the contractor to continue that work.

Then, on June 24 we passed a simple bill authorizing for emergency projects the increase in the river basins, an increase in amount of money to take care of them for fiscal years 1964 and 1965. When our bill got to the other body they added more than half a billion dollars worth of projects on which we have not as yet had authorization in this body. They cut down the basin river authorization from 2 years to 1 year. I am sure they acted in good faith.

By the way, Mr. Speaker, we passed our bill on June 24 and they passed their bill on July 30.

When that bill as amended was returned to this body I asked unanimous

consent that the bill as amended go to conference, and for the first time since I have been here—some 23 years—more than 20 Members stood up and objected.

So we did some more thinking. Recognizing that this emergency was on top of us, and not being ready to authorize certain additional new projects which have been added in the other body, we came in with a bill following exactly the money value of the other body and extending our authorization for 1 year so that these 55 projects involved would not be shut down, affecting possibly life, and certainly property and employment.

On October 2 when I sought to bring that bill up by unanimous consent it was objected to. Now we have come back with this bill, H.R. 8667, which provides an increase of \$145 million to take care of these river basins.

Let me tell you the basins involved. We have 21 comprehensive basins in the country. We passed 10 originally for 2 years. The other body cut that down to seven. We accepted the seven and used their figures.

The basins involved are the Central and Southern Florida, the Brazos River, very important down in Texas, the Arkansas River, White River, Ohio River, and the Columbia River.

It may interest you to know if this bill is not passed and does not pass the other body, in Arkansas there will be 13 projects involved subject to cessation of work. There is the Brazos project, very important. A total of 55 in all.

I will skip on down to the Los Angeles project, which is now by the board, except for the fact they borrowed money and are continuing the contract.

There is the Ohio River in which a great many of you are interested. There are 19 projects involved there at the moment.

Then of course there is the White, which has four projects and, including the Los Angeles project, makes a total of 55.

All we are asking in this bill is to maintain the integrity of the House of Representatives and the integrity of the Committee on Public Works which has had hearings, which recognizes the trouble in Los Angeles, and these other six basins. We are here asking you to vote in favor of this bill so that the Appropriations Committee will have the necessary authority and ceiling to appropriate the money.

I remind you that the public works appropriations bill has not as yet been presented to the House. There is ample time to take care of the extreme emergency in Los Angeles. My colleague, the gentleman from California [Mr. McFALL], was interested in the bill that was passed and sent over to the other body, H.R. 7268, which would have taken care of Los Angeles separately.

We come to you in ample time to protect the people involved in these 55 projects. So long as I am a Member of this House I shall be determined to maintain the Golden Rule to best of my ability and look after, as I have in other years, together with my colleagues on this committee, hundreds of Members of this House. But I want to maintain the in-

tegrity of the committee, and I want to maintain the integrity and the responsibility of the House of Representatives so that you will have an opportunity to know what is in these authorized projects and not be content to let a conference committee of five work your will. That is not the way it should be done.

These additional projects are highly controversial, though I suggest to you that we have had hearings and we are going to do our best to work our will in committee. The total value of the projects, included in the other body, amounts to \$806 million. That is almost a billion dollars. But we have 2 months left in this session and all the year long before this session is concluded.

One project in those added in the other body will cost \$3 million less than a quarter of a billion dollars. I think you should have a thorough debate on that one. You should have a thorough debate on all the others.

One project added in the other body was defeated in this House last year on a record vote on a motion to recommend. I voted with my colleague and I lost, as he did.

So I urge you to support this committee as we seek to take care of the emergency needs only, with the addition of no new projects. This is to take care of the continuation of the work on projects previously authorized and on which this Government has a moral commitment.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield.

Mr. JONES of Alabama. Mr. Speaker, I am privileged to rise today in support of H.R. 8667, which is necessary legislation to provide additional authorization for seven river basins which will, during fiscal year 1964, run out of funds unless this authorization is passed by the House today. I am particularly gratified to rise on this occasion in support of this legislation because it is being handled by a distinguished and old friend of mine, the gentleman from Tennessee, the Honorable CLIFFORD DAVIS, the chairman of the Subcommittee on Flood Control of the Committee on Public Works. It has been my privilege to be a Member of this body for 17 years. During this period I have served on the Committee on Public Works along side of CLIF DAVIS not only in the full committee but as a member of the Subcommittee on Flood Control which he so ably chairs.

I have had many an opportunity to observe CLIFFORD DAVIS in action. I have watched him preside with tact and patience over many a difficult meeting both in public and executive sessions. I have seen his incomparable skill in conference when he has many, many times so ably protected the House's position on vital water resources legislation. I know CLIFFORD DAVIS as a friend and as an able legislator and I know that any legislation that he brings to the floor of the House has been given full and proper attention, has been carefully considered and carries with it the stamp of an experienced and conscientious Member of Congress. I am proud to call CLIF DAVIS my friend and to salute him once again

today as he appears on this floor in support of this much needed legislation.

CLIFFORD DAVIS is a real Member of the House. He is a real legislator, an expert in the field of water resources and a credit to his city, his State, and his country.

Mr. AUCHINCLOSS. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman from New Jersey.

Mr. AUCHINCLOSS. I merely want to add my word in corroboration of what the gentleman said. I have listened to him carefully. His enthusiasm and his zeal are unquestioned, and I subscribe to everything he has said. I hope the House will vote this measure today without any question, because it is deserving and it has been thoroughly thought out and canvassed by the Committee on Public Works.

Mr. DAVIS of Tennessee. I thank the senior member of our committee representing the minority.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I should like to join the chairman of the subcommittee in urging approval of this bill as reported by the committee. As the gentleman well knows, I certainly favor some of the projects in this bill, including each of the projects in Oklahoma. I recognize the urgency of the situation that confronts us, and I think it is necessary that we get this bill passed as soon as possible.

The arguments in support of the Wauriha project are sound and valid arguments, and the project has a very favorable benefit-cost ratio. Our colleague from Oklahoma, the Honorable VICTOR WICKERSHAM, has worked tirelessly to bring home to the committee the urgent need for the project, and I believe the majority of the committee are convinced of the project's justification.

At the same time, however, we have been confronted with a parliamentary situation in which the passage of this emergency measure appears imperative, without the inclusion of the projects on which there is some committee disagreement.

Because of the urgent nature of the situation, and the impending shutdown of work on the Arkansas Basin and other major basin projects unless this basin authorization is adopted, I urge the approval of the bill.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and also that all Members may extend their remarks at this point in the Record on this bill.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, I would like to take this opportunity to associate myself with the remarks of my distinguished colleague, the Honorable CLIFFORD DAVIS, of Tennessee, cosponsor of this bill.

My interest in this bill stems not only from the fact that it will aid completion of the J. Percy Priest Dam and Reservoir

in my district but because a delay in these projects, within the bill, have been authorized previously and much effort and money already has been invested in them. Curtailment of construction on any of these projects at this time will be a waste of moneys already spent and could increase the cost of future construction. Therefore, Mr. Speaker, in the name of economy alone, it is essential that we continue these projects without any unnecessary interruption or delay which might well increase their final cost to the taxpayer.

When completed, the J. Percy Priest Reservoir will provide much needed flood control, power, and recreation facilities for the residents of Tennessee's Davidson, Wilson, and Rutherford Counties. The expected annual benefits of this project, moreover, will pay for its final construction in an estimated 13 years. In addition, this project will make available to the people of all middle Tennessee an area of 14,000 acres for public recreational usage.

It is particularly fitting that this imposing project is named for my distinguished predecessor, J. Percy Priest, whose untimely death in October of 1956 deprived this House of a man of great ability, outstanding courage, and demonstrated devotion to public service.

Mr. Speaker, this project is an example of the continuance by the Congress of a policy of sound and comprehensive water development. This reservoir is part of a coordinated plan in which the individual projects in Tennessee are interrelated not only with each other, but also with all those in the Ohio River Basin.

Mr. CLARK. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman from Pennsylvania.

Mr. CLARK. I want to join our colleague in expressing our thanks to the gentleman from Tennessee [Mr. DAVIS] for telling us the story about this emergency bill. May I say that we as Members of the House and I as a member of the Committee on Public Works feel that we must discharge our responsibility here today and pass this bill.

Mr. DAVIS of Tennessee. I thank the gentleman very much.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman from South Carolina.

Mr. DORN. I should like to concur in everything that my distinguished subcommittee chairman has said here today. He is absolutely right. This is an emergency legislation. This is an opportunity to uphold the integrity of our committee and the House of Representatives. As my distinguished subcommittee chairman has said, it is at the expense of no one. This legislation should go through today.

Mr. Speaker, the construction and basin improvement provided by this bill is noncontroversial, is absolutely necessary and is urgent. This bill should pass in order that the construction can continue uninterrupted on these noncontroversial river basin authorizations. A vote to suspend the rule and pass this bill today is a vote of confidence in the

Public Works Committee of the House, is a vote of confidence in our distinguished and able subcommittee chairman, the gentleman from Tennessee [Mr. DAVIS]. I know of no one who has labored more faithfully, more ardently, and beyond the call of duty, to get this bill approved at this session of Congress so that this necessary work can continue.

My distinguished chairman, the gentleman from Tennessee [Mr. DAVIS], has been fair. He has labored long and hard to be just to all of his fellow colleagues. He deserves a vote of confidence today. A vote for this bill today is a vote for the integrity of the House and its leadership.

There is no opposition to this bill. There is only an attempt to tie on to this bill certain highly controversial projects that need further study. These highly controversial and expensive projects need time to soothe ruffled feelings, time to get our colleagues together and to iron out differences. To tie these highly controversial projects to this bill is an attempt to hitch a weak horse to the same team with a good horse. Mr. Speaker, you know and I know that this policy will kill both horses. Each project in this country should stand on its own merit and not be predicated upon the merit of other projects; nor should there be an attempt to tie a weak project to a good and much needed project which is noncontroversial.

Mr. Speaker, may I give you one example. In May 1961 I introduced, along with my two distinguished South Carolina representatives in the other body, a bill which would permit Duke Power Co. to build the largest steamplant in the world on the Savannah River between South Carolina and Georgia. No one opposed the Duke project anywhere in the United States; at least I have no letters, telegrams, or phone calls from any American citizen opposing the Duke project. It would have been a credit to the South and to the United States of America to have had the largest steamplant in the world for the generation of electricity. Duke was desperately needed in the area because they can generate power cheaper than the two large Federal dams northwest and southeast of its proposed location. Duke was and is needed as a yardstick to keep Federal Government power rates down and in line. Duke could generate over 20 times more electricity than both of the large Government dams on the Savannah at Clark Hill and Hartwell.

Duke would have required a simple authorization in this Congress—the same bill as passed some years ago for a steamplant on the Dan River between North Carolina and Virginia. The Duke authorization passed this House last year without a single vote against it, without a word against it, and then went to the other body where a government proposal, unheard of when Duke was introduced—Trotters Shoals—was tied on to it without hearings, without a complete study, without approval of the Governor and delegation from South Carolina, and without any consultation whatsoever with me as the Representative in that area, living closest to the project. I be-

lieve this is without precedent and parallel in the entire history of the U.S. Congress.

Of course this Trotters Shoals Federal dam proposal killed the Duke authorization and Duke Co. proceeded to build a generating plant in another State. Of course the proponents of Trotters Shoals knew that no fair Representative in this Congress would agree to a Government dam of the magnitude of Trotters Shoals without hearings and without hearing from his people. Therefore, Trotters Shoals positively did deny to the people of the United States the largest steamplant in the world.

H.R. 6016 passed this House in June this year and went to the other body. While efforts were being made to get Duke Power to reconsider its plans and again consider the possibility of a steamplant on the Savannah River, Trotters Shoals was added to H.R. 6016 in the other body before the hearing on Trotters Shoals in the Public Works Committee of the House were even printed; ignoring the opposition of our new dynamic, progressive Governor of South Carolina, the overwhelming majority of the South Carolina delegation and its legislature; ignoring the fact that this is a two-State project and should have the approval of both States; and again without any consultation whatsoever with the Congressman from the district most affected and living closest to the project.

Now not only the Duke steamplant is involved, but even more important, the Mead Corp. is seriously considering the construction of a huge pulp and paper mill on a site that would be completely ruined by a Federal dam at Trotters Shoals. A Mead pulp and paper plant on its Savannah River site would purchase pulpwood from a 20-county area in South Carolina and Georgia. It would be the greatest single boost for the economy of this area in the entire history of this section of South Carolina and Georgia. This area is a depressed area with unemployment and sagging pulpwood prices. This is the pine belt where 62 percent of the land is in forest, and most of it owned by small landowners.

Mr. Speaker, listen to these facts and figures as to what Mead and Duke would mean to this area in lieu of Trotters Shoals. Pulpwood purchases would amount to \$9,500,000 annually; over 2,500 people to be employed on farms and in woods; 35,000 truckloads of wood would be hauled annually with each pulpwood truck contributing over \$25,000 to the economy of the community; over 20,000 freight cars of wood would be hauled annually with an annual freight bill of \$4,500,000; the mill would employ 675 people with an annual payroll of \$5 million; 1,400 men would be required to construct the plant with a payroll during construction of \$10 million alone; after the plant is completed, new capital investment required would be over \$1 million annually. Mr. Speaker, Mead would purchase 450,000 cords of wood annually from this 20-county area, and benefits would be derived by South Carolina and Georgia tree farmers for a 75-mile radius since they could deliver pulp-

wood straight to the mill at great savings. Local, State, and National taxes paid by Mead annually would be about \$4 million.

Private capital invested by Duke Power Co. for their steamplant would be over \$210 million. The steamplant would consume 3,880,000 tons of coal annually and Duke would spend another \$3 million annually for the operation and maintenance of the steamplant. They would pay over \$7 million annually in local and State taxes; they would also pay over \$7,400,000 annually in Federal income taxes. Thus, Duke and Mead taxes would be \$17 million or more annually. During the 50 years that taxpayers would be paying for Trotters Shoals, Mead and Duke alone would pay local, State, and Federal taxes totaling approximately \$850 million. Other industries would swell the tax total much higher. If Trotters Shoals is not built, Duke and Mead will be only two dynamic, modern industrial plants to be located in this area. There are 14 excellent industrial sites in the area and more plants will come if Trotters Shoals is not built.

If it were possible, it would pay the States of South Carolina and Georgia to pay the Federal Government several million dollars a year not to build Trotters Shoals, and thus permit Mead and Duke to build. Pulpwood prices continue to decline in the area. Cattle prices have fallen. With Trotters Shoals, our farmers in this area of South Carolina and Georgia would be faced with a bleak future indeed.

In reference to Mead, here is what Mr. Aubrey J. Wagner, Chairman of the great Tennessee Valley Authority, said on August 9, 1963, in a speech at Tennessee Polytechnic Institute in Cookeville. "Important as it can be, we must not assume that recreation alone can solve the economic problems of any sizable area. Rarely, if ever, is this true. I have pointed out that \$156 million has been invested in water-based recreation facilities in the Tennessee Valley. The waterfront docks and resorts directly furnish the equivalent of 2,000 full-time jobs. These are impressive figures. Yet a single newsprint mill in the valley provides more employment than all of the boat docks, and its investment surpasses the entire investment in recreation on all of TVA's reservoirs. This is an important comparison to remember."

These are the problems that need to be resolved. We need time to determine what is best for the Savannah River. A Government dam at Trotters Shoals is purely and simply an attempt to tie a weak project without approval of the Bureau of the Budget, and without complete study, to a good horse. I have never experienced anything like this in my 15 years in Congress.

In the name of justice, fairness, protocol, and congressional courtesy, this bill should be passed today under suspension of the rules. These noncontroversial projects should be permitted by this bill today to proceed without a dissenting vote. The controversial projects can and should be considered separately on the merit of each. Differences between the

two great bodies of Congress should be resolved on each project in a proper and just manner.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 8667, that provides increased authorizations for the prosecution of river basin plans for flood control and related purposes under the jurisdiction of the Secretary of the Army and the Chief of Engineers. The appropriations intended to be covered by these increased authorizations are only those for fiscal year 1964.

The people of my district and all of Florida have an urgent interest in this legislation, because the Central and Southern Florida Flood Control District is in dire need of funds if it is to continue to progress and offer vital protection against flood damage and possible loss of life.

We are now in the fourth month of fiscal year 1964 and are faced with a needed \$14 million appropriation which is included in the 1964 budget to continue work in the flood control district for this fiscal year. At present there are \$10 million authorized for the district, however, there is still needed an additional \$4 million authorization in order to cover the budget figures. This bill, H.R. 8667 if enacted will provide for this needed \$4 million authorization, and give the flood control district a total \$14 million authorization. If we fail to act the Central and Southern Florida Flood Control District faces a shutdown of projects and surveys due to a lack of funds to pay their contractors. This shutdown would be unwise and unbusinesslike, because the flood control district has a high and very favorable benefit-cost ratio of 4.2 to 1, and although the construction in the district is only one-third completed, there has already been \$84 million worth of flood damage prevented. To have a shutdown now will cause needless extra expense and delay in needed construction, as well as posing a danger to property and life in our State from flood-water destruction.

Mr. DAVIS of Tennessee. Mr. Speaker, I am ashamed that I took so much time from my colleagues who are so well informed and so well prepared to discuss this matter.

I do not have a single item in my whole area, but I have always maintained that what is found to be good and sound after thorough and complete hearings and after the full committee has found that a project is meritorious, that what is good for one section of the country is good for the balance of the country.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman.

Mr. BOLAND. Mr. Speaker, as a member of the Subcommittee on Public Works of the Committee on Appropriations, I want to commend the gentleman for his very fine explanation of the bill. Those of us who have served on the Committee on Appropriations are concerned as to the responsibility the Federal Government has to State and local governments in these many projects. Failure

to pass this bill, as the gentleman has so well pointed out, will bring a number of these projects, totaling, I think, about 55, to a halt. In my opinion, this would be catastrophic in a great number of instances. I think we ought to take the advice of the gentleman who has spent many, many hours with his committee to bring this bill to the floor of the House for our consideration. I suggest that the House pass this bill by an overwhelming vote.

Mr. DAVIS of Tennessee. I thank the gentleman.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman has expired.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. WICKERSHAM] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, there are several Members who feel that the committee should have requested a rule or gone to conference on this matter.

We are not opposed to the provisions of this bill before you today, but do feel that the seven projects which were included by the Senate, should be considered on their merits.

Included among these projects is the Waurika project in Oklahoma. Hearings have been held. No one personally appeared to object to the project. A favorable report was filed by the U.S. Engineers. The Bureau of the Budget filed a favorable report.

The late Senator Robert S. Kerr had his heart and soul in the Waurika project. The Members of the House from Oklahoma, Senator Kerr and Senator MIKE MONRONEY did everything within their power to secure enactment of the authorization.

Mr. Speaker, may I refer to a statement made by the gentleman from Tennessee, Mr. CLIFF DAVIS, chairman, on the floor of the House, in response to inquiries, on October 12, 1962, as shown in the CONGRESSIONAL RECORD, volume 108, part 17, page 23415:

We recognize that the basin authorizations must be taken up early next year. With the consideration of the basin authorizations we are going to take up the Duke Power project, the Trotty Shoals project, along with, if I may say, the Devil's Jump project, the Knolls project, the Flint River project, the Cape Fear project, the Burns Creek project, and the Waurika project, along with the basins. We have promised and reduced it to writing in the conference report that early in January we will have further hearings in order to bring them out to the floor in advance of any consideration that the Appropriations Committee will give to these projects in the late spring or early summer.

Mr. Speaker, I quote further from the CONGRESSIONAL RECORD, volume 108, part 17, page 23415, wherein I [Mr. WICKERSHAM] asked the gentleman to yield, and the gentleman from Tennessee

[Mr. DAVIS] yielded. I asked the gentleman from Tennessee this question:

I thank the gentleman for saying that Waurika project will be considered in January. This does not preclude the consideration of other projects which were not considered in this bill, does it?

Mr. DAVIS of Tennessee answered, saying:

That is correct.

Mr. Speaker, I urge the committee to act favorably upon these projects, including the Waurika project in Oklahoma.

Mr. ALGER. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, I want it clearly understood that I am among those who, while I want to hear the merits of this bill, and I shall listen closely to hear them, I am opposed to this bill because we cannot even consider carefully the merits, because of deficit financing. Who is going to foot the bill? We are talking about another \$133 million. Granted—once you put money into a project, you must protect your investment. But I am still waiting to see what spending priority we will set up, that many of us spoke about when we had the tax bill before us, we were voted down over here on tying tax cuts to spending level by those on the other side who said they would be frugal in expenditures in the future.

All of us know that we ought to have a balanced budget and not deficit spending. We have to operate on the principle of a spending priority. We cannot call every project an emergency if we are going to be fiscally responsible.

I recognize also that this is an authorization bill and an authorization, of course, does not spend money. So we are told, do not worry about it. But once we put an authorization through here, the next thing is an appropriation bill and somebody, the taxpayer, has to foot that bill.

I recognize there are many reasons why these specific bills and particular projects may be meritorious. Personally, I have been criticized and I am sure others have when we have voted against trying to be fiscally responsible. I stand in that consistent position today. If I am the last man in this body, I shall not approve money for some public works projects when we have deficit financing.

Mr. Speaker, with that little preamble and in view of the fact that I have had a large number of requests for time, and I understand that some Members here object to this bill on the ground that they would like to add money to it. I respect their views and there are others, of course, who would like to hold this spending at some lower level, but as I said, Mr. Speaker, I have a number of requests for time and will do the best I can to accommodate my colleagues.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Speaker, I thank the gentleman from Texas for his courtesy in yielding.

Mr. Speaker, I commend the gentleman from Tennessee for the outstanding

presentation that he has made today on the floor of this House in behalf of this bill. I might say it has been my privilege to work with the gentleman from Tennessee for the last 9 years, as long as I have served as a Member of this House. There is no man who has worked more diligently and more faithfully to represent the interests of the citizens of the United States and defend the integrity of this House than the gentleman from Tennessee [Mr. DAVIS].

Mr. Speaker, the issue today on this particular bill is whether the House will give priority to a group of seven river basins which already have been authorized by the House as overall basin projects and authorize the necessary funds to allow the Corps of Engineers to continue work that has already been begun and carry it through the fiscal year 1964. I do not think anything could be more disastrous than to require contracts that are half-way completed to be stopped at that point and the contractor and his equipment to be taken off the job. In some cases the flood danger from a half completed project would be worse than if the project had not been started at all. It is essential, therefore, that these projects be carried through.

There has been a memorandum sent to every Member of the House by those who say that this bill should be defeated. But if you would check that memorandum carefully, you will find not a single one of those who signed the memorandum have expressed any opposition to the specific projects in this bill. There is not a word in that memorandum indicating that the projects in this bill are not meritorious. The only desire of those who signed that memorandum is that \$450 million of additional controversial projects should be added to this bill. May I say those projects would fall in a different classification than this bill. This bill is limited to river basins, all of which have already been authorized by the Congress.

Under the river basin procedure we periodically have to add authorizations for the actual funds to be spent to carry out the announced objectives of Congress.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman from California.

Mr. ROOSEVELT. I thank the gentleman for yielding. I want to say I am supporting this bill today because I think it reaffirms the important issues. I happen to have three of these projects in my district and this bill makes sure that this House does not go forward with a program and then cut it off at the expense of the people who are now operating it. To illustrate how right the bill is, the county of Los Angeles had to advance funds to the Federal Government in order to protect the lives of people that might be lost if we had a flood today. I can only hope that the other body will see the justness of this and act on this legislation, but I would add if they do not, I hope the leadership in this House will find some way to rectify an impossible situation.

Mr. BALDWIN. I thank the gentleman from California. If I may, I want to say something about the memorandum that was sent out. It does not argue in opposition to anything in this bill. There has been no argument made against the justification of these projects at all. The only issue involved is that those who signed the memorandum would like to add to this bill about \$450 million of additional controversial projects. We pass an omnibus flood control bill normally every 2 years. We passed one last year, and our committee is scheduled to act on another next year. The omnibus bills come out on the House floor under an open rule, and at that time anyone who wants to offer an amendment to it can do so. When a larger river basin bill was brought before this House 3 months ago, it came out under an open rule and any Member of this House could have offered an amendment at that time to it, but no one offered an amendment with regard to any one of these seven controversial projects even though there was an open rule at that time. Any one who wanted to could do so at that time, so certainly anyone who wanted to offer an amendment this year had the opportunity. However, now we do have an emergency. The gentleman from California [Mr. ROOSEVELT] has pointed out that already in Los Angeles contractors were forced to stop work. Congressmen LIPSCOMB and SMITH of California have also been deeply anxious to find a prompt solution which will expedite work on the Los Angeles project. It is therefore essential that this bill be passed on an urgent basis.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ALGER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I support this legislation for a number of reasons. In the first place, this is another example of the other body attaching unjustified riders to bills sent over by this body, and I think it is about time for this body to express itself particularly where the cost of accepting a rider put on in the other body is as great as it is in this instance, namely, an amount of \$695 million more in the eventual cost of new projects. These projects were added by the other body as riders to the bill containing basin authorizations passed by this House. A vote for this bill is a vote for sustaining the House position, and it is also a vote for economy. It contains less dollar authorization than the bill passed previously by this House in June. This bill is less than the bill passed in June. This bill calls for authorizations in the amounts of \$133 million plus \$12 million in an amendment to the Los Angeles project as compared to \$161 million in the Senate version of the basin authorizations and as compared to the bill that passed the House which was in the amount of \$161 million for 1 year and \$784 million for 2 years. So this is an economy vote no matter how you slice it.

Let us get to the crux of the issue. Here is the issue involved. Is the House going to accept the riders adopted by the other body in the eventual amount of \$695 million and present amount of \$448 million for new projects? They say it is \$448 million, but they arrived at that figure by providing only for a \$50 million authorization for Knowles Dam, which everyone knows will cost \$247 million before it is finished. So you are actually considering an increased authorization by the other body for new projects eventually amounting to \$695 million.

Now, why is this an emergency at the present time and thus, this bill must be passed? As has been expressed before, one Federal project has already had the funds cut off. That is the Los Angeles project. What is going to happen with regard to the other projects contained in this authorization? The Committee on Appropriations cannot act even on the appropriations for the items which were in the budget without these increased authorizations. These are budgeted items which were in the budget submission. Unless additional authorization by Congress is given, the Committee on Appropriations cannot act to continue these projects.

This will be an economy vote also because if you have to stop a project, it will cost a lot more money to get it started again. Los Angeles has already had a project cut off, and what is going to happen to the rest of them? I will read you the list. This is what is going to happen: Central and southern Florida, flood control, which has a \$4 million appropriation and has no local funds it can transfer, as does Los Angeles, would get a 30-day cutoff notice on the first of next month. The Brazos River would get cutoff notices on November 1, 1963. The Arkansas River would get cutoff notices on December 1. The White River would get cutoff notices on January 1, 1964. The Ohio River would get cutoff notices October 15, 1963, and the Columbia River would get cutoff notices January 1, 1964.

So, Mr. Speaker, these are the reasons why this additional authorization is absolutely essential.

Mr. Speaker, it is true that there have been some suggestions with regard to these new projects that have been made by the Members who represent the districts affected. I can understand their concern. I was one of the conferees when the final authorization bill was under consideration last year and these projects were in the Senate version but eliminated in conference because the House had never considered them.

Mr. Speaker, these are difficult projects. They are controversial projects in many instances and should be considered by this body. Each project should be considered by this body, and properly so, rather than as a rider to the bill in the other body. That is an improper way of considering the matter, as suggested by the other body, and going to conference would force the conferees into considering those additional projects. This is the only way you can avoid it.

Mr. Speaker, I say to the Members of the House that if they want an economy

vote, this is a good economy vote and a vote for the continuation of sound existing projects.

Mr. HARDING. Mr. Speaker, will the gentleman from Texas [Mr. ALGER] yield?

Mr. ALGER. I yield to the gentleman.

Mr. HARDING. Mr. Speaker, the rules of the House wisely provide that there shall be 20 minutes allotted to both the pro and con on each piece of legislation under a suspension of the rules of the House.

Mr. Speaker, inasmuch as the gentleman from Texas [Mr. ALGER] has only used 2 minutes in opposing this bill, I would like to ask unanimous consent that those people who are opposed to it be allotted an additional 18 minutes in which to state our case.

The SPEAKER pro tempore (Mr. ALBERT). The Chair cannot entertain that motion under the rules of the House at this time.

Mr. ALGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I am for this bill.

Mr. Speaker, H.R. 8667, which is before this body today, contains an appropriation for a vital project in the Ohio River Valley that involves the 24th Congressional District—the Shenango River Reservoir.

For many years the residents of the Shenango Valley have fought for this dam, whose prime purpose is to eliminate the floods that have caused millions of dollars in damages.

To further delay this project may subject the people of the valley to more floods and great personal hardship.

Without this additional appropriation it would be necessary to suspend work indefinitely. This suspension would disrupt the Shenango Reservoir construction timetable and result in increased project costs when work is resumed.

This disruption would have its effect on the economy of this distressed area. The project employs a substantial work force. Furthermore, the incentive for continued industrial development of the Shenango Valley would be impaired.

This project is scheduled for completion in June 1965. The sooner this dam in the Ohio River Basin is completed the more complete will be the protection for the Shenango Valley.

Mr. ALGER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I support H.R. 8667, particularly because it contains the Los Angeles-San Gabriel flood control project.

Mr. Speaker, this program has been going on for many years. Each year the Corps of Engineers programs additional projects several years in advance. As congressional authorization is granted, these projects take effect. Early this year contracts were let for several projects in Los Angeles County. Congressional authorization was until July 31, 1963. Possibly the contracts should not have been let without complete authorization. But I am informed that this has been regular procedure in the past and that authorization has always been

forthcoming to complete these projects which had been planned several years in advance.

To obtain further authorization, the House passed H.R. 6016 on June 24 to take care of 10 basins which would have deficits during 1964 and 1965. The Los Angeles flood control projects under construction were included therein. The Senate amended into H.R. 6016 a number of projects not related to basin authorizations, and passed the bill as amended on July 30. When the request was made on August 6 to disagree in the Senate amendments and go to conference, objection was made, and the same has been pending in rules since August 6.

In an effort to take care of the projects in Los Angeles County under construction, the House by unanimous consent passed H.R. 7638 on July 24, 1963. However, our efforts were in vain, because the other body has refused to act on this measure until H.R. 6016 is taken to conference.

When the authorization and funds expired, the various contractors, with the thought of trying to inconvenience the residents as little as possible from a delay standpoint if work were stopped, personally borrowed funds to continue for a time with the hope that Congress would act. One contractor borrowed \$320,000, another \$400,000; another \$175,000 and another \$300,000. After their borrowing authority was exhausted, a plea was made to Los Angeles County, and they loaned several million to the U.S. Government in order to carry on work for a few more weeks, still hoping that Congress would carry out its responsibility to enact appropriate authorizing legislation.

The project in my district goes up streets in a nice residential district to the foothills. For months the residents have not been able to get their cars into their homes, but have had to park on side streets and walk. They are unable to get deliveries of milk, groceries, laundry, and so forth. Once a week cans, rubbish, and trash are collected by the city. These trucks cannot get up the streets, which has added considerably to the cost of collection. It is bad enough to be so inconvenienced for 6 to 8 months while this is being done under ordinary conditions. But to now have to face a delay of many more months, because Congress has not passed authorization authority, is intolerable.

We have before us here today, H.R. 8667, which will be amended by the motion of the gentleman from Tennessee to include the Los Angeles-San Gabriel Basin. The other projects therein are either now in the same position as Los Angeles from a standpoint of expiring authorization, or will be by the end of February 1964. If we pass this measure, and if the other body does likewise, then work can again start in Los Angeles County. But my concern is whether the other body will act on this bill, or simply wait until the House goes to conference on H.R. 6016. No one has indicated to me that this measure will be given any more consideration in the other body than has taken place to date on the other bills mentioned.

If the other body does not act immediately on this measure, then the only solution I can see is for the House to go to conference on H.R. 6016. And at the first meeting inform the other conferees, that further conferences will be held and the controversial projects considered, after H.R. 8667 is passed to take care of the pending emergency. Otherwise I see no solution to this terrible situation.

Mr. Speaker, I urge the distinguished gentleman from Tennessee [Mr. DAVIS] to continue to do everything in his power to bring this Los Angeles-San Gabriel Flood Control Basin emergency to a conclusion as soon as he possibly can. I urge support for this measure with that hope in mind.

Mr. ALGER. Mr. Speaker, I yield such time to the gentleman from Indiana [Mr. HARVEY] as he may desire.

Mr. HARVEY of Indiana. Mr. Speaker, I rise in support of this bill.

Mr. Speaker, I wish to call to the attention of my colleagues two resolutions which I have requested to be included in the daily RECORD. These resolutions emphasize the importance of the Ohio and Wabash River basins and adequately represent the views of my constituency.

Mr. ALGER. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Ohio [Mr. HARSHA].

Mr. HARSHA. Mr. Speaker, I join my colleagues in supporting this legislation. Contrary to what some have said, an emergency does exist with reference to the development and control of the water resources of these seven river basins.

I shall cite you an example, and as that example, I shall use the Ohio River Basin, simply because it contains the greatest number of projects involved, affecting the largest number of States.

The Corps of Engineers' civil works construction in the Ohio River Basin is subject to a monetary limitation on the amount which may be appropriated for carrying out the authorized work. This monetary ceiling has periodically been increased by the Congress when the need therefor has become apparent. At the present time, the remaining monetary authorization for the Ohio River Basin is about \$13 million. This amount is only adequate to cover scheduled expenditures on contracts in force, together with associated Government costs, through early December 1963. Most construction on 11 flood control projects in the basin will have to stop early in December unless further monetary authorization is provided. Preconstruction planning work on eight other projects will need to be suspended shortly thereafter. The projects affected are:

CONSTRUCTION

Allegheny River Reservoir, Pa. and N.Y.
Barren River Reservoir, Ky.
Evansville local protection project, Indiana.
Fishtrap Reservoir, Ky.
Green River Reservoir, Ky.
J. Percy Priest Reservoir, Tenn.
John W. Flannagan Reservoir, Va.
Mason J. Niblack levee, Indiana.
Monroe Reservoir, Ind.

Shenango River Reservoir, Pa. and Ohio.

Summersville Reservoir, W. Va.

PLANNING

Big Darby Creek Reservoir, Ohio.

Brookville Reservoir, Ind.

Cave Run Reservoir, Ky.

Deer Creek Reservoir, Ohio.

East Lynn Reservoir, W. Va.

Lake Chautauqua and Chadakoin River, N.Y.

Paint Creek Reservoir, Ohio.

Tri Pond levee, Illinois.

Notices of exhaustion of funds are being issued immediately to the 20 affected contractors. Work remaining under these 20 contracts has an approximate value of \$52,200,000. The termination or suspension of these contracts will have a serious impact on the progress of the program as well as result in project cost increases. It will delay completion of the projects, thereby deferring realization of benefits from flood control, water supply, power, and other authorized purposes. It will add to the unemployment problem and, in some cases, could possibly result in needless destruction of the partial construction—even endanger life, limb, and property in the extreme cases.

This legislation will allow the other body to approve the orderly continuation of this program without yielding its position on the original authorization bill. It will permit the resolution of problems regarding the original basin authorization bill, H.R. 6016, to be accomplished at a later date, while allowing the continuation of the normal water resources development program of the Corps of Engineers.

Many of you are in receipt of a letter from various Members of this body, stating, among other things, that the rule of comity between the other body and the House is at least strained by supporting this legislation. The idea that there must be comity between the House and the other body involves the principle that each of the two coequal Houses of Congress should treat the other in an orderly and courteous manner, as is conducive to friendly relations between the two bodies and the orderly passage of legislation. It rests on the premise that the two Houses are on a plane of equality—neither is inferior to the other.

Since the House is not inferior to the other body, comity does not require that the House must change its position on any matter merely so as to conform to the wishes or desires of the other body. If comity requires this, then that principle would make the House inferior to the other body. Since the Constitution clearly intended a Congress of two equal Houses, such an interpretation of comity would be clearly contrary to the Constitution. This is the best possible evidence that the Constitution does not require that the House yield to the other body and, of course, the argument that the rule of comity is at least strained is fallacious.

I urge your support of this legislation.

The SPEAKER pro tempore. The question is, Will the House suspend the

rules and pass the bill H.R. 8667, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AID FOR THE MENTALLY RETARDED

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (S. 1576) to provide assistance in combating mental retardation through grants for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction and initial staffing of community mental health centers, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 862)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1576) to provide assistance in combating mental retardation through grants for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction and initial staffing of community mental health centers, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act may be cited as the 'Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963'."

"TITLE I—CONSTRUCTION OF RESEARCH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED"

"Short title"

"Sec. 100. This title may be cited as the 'Mental Retardation Facilities Construction Act'."

"Part A—Grants for Construction of Centers for Research on Mental Retardation and Related Aspects of Human Development"

"Sec. 101. Title VII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"Part D—Centers for Research on Mental Retardation and Related Aspects of Human Development"

"Authorization of appropriations"

"Sec. 761. There are authorized to be appropriated \$6,000,000 for the fiscal year ending June 30, 1964, \$8,000,000 for the fiscal year ending June 30, 1965, and \$6,000,000 each for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967, for project grants to assist in meeting the costs of construction of facilities for re-

search, or research and related purposes, relating to human development, whether biological, medical, social, or behavioral, which may assist in finding the causes, and means of prevention, of mental retardation, or in finding means of ameliorating the effects of mental retardation. Sums so appropriated shall remain available until expended for payments with respect to projects or which applications have been filed under this part before July 1, 1967, and approved by the Surgeon General thereunder before July 1, 1968.

"Applications"

"Sec. 762. (a) Applications for grants under this part with respect to any facility may be approved by the Surgeon General only if—

"(1) the applicant is a public or non-profit institution which the Surgeon General determines is competent to engage in the type of research for which the facility is to be constructed; and

"(2) the application contains or is supported by reasonable assurances that (A) for not less than twenty years after completion of construction, the facility will be used for the research, or research and related purposes, for which it was constructed; (B) sufficient funds will be available for meeting the non-Federal share of the cost of constructing the facility; (C) sufficient funds will be available, when the construction is completed, for effective use of the facility for the research, or research and related purposes, for which it was constructed; and (D) all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the center will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5); and the Secretary of Labor shall have, with respect to the labor standards specified in clause (D) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

"(b) In acting on applications for grants, the Surgeon General shall take into consideration the relative effectiveness of the proposed facilities in expanding the Nation's capacity for research and related purposes in the field of mental retardation and related aspects of human development, and such other factors as he, after consultation with the national advisory council or councils concerned with the field or fields of research involved, may by regulation prescribe in order to assure that the facilities constructed with such grants, severally and together, will best serve the purpose of advancing scientific knowledge pertaining to mental retardation and related aspects of human development.

"Amount of grants; payments"

"Sec. 763. (a) The total of the grants with respect to any project for the construction of a facility under this part may not exceed 75 per centum of the necessary cost of construction of the center as determined by the Surgeon General.

"(b) Payments of grants under this part shall be made in advance or by way of reimbursement, in such installments consistent with construction progress, and on such conditions as the Surgeon General may determine.

"(c) No grant may be made after January 1, 1964, under any provision of this Act other than this part, for any of the four fiscal years in the period beginning July 1, 1963, and ending June 30, 1967, for construction of any facility described in this part, unless the Surgeon General determines that funds are not available under this part to

make a grant for the construction of such facility.

"Recapture of payments"

"Sec. 764. If, within twenty years after completion of any construction for which funds have been paid under this part—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit institution, or

"(2) the facility shall cease to be used for the research purposes, or research and related purposes, for which it was constructed, unless the Surgeon General determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"Noninterference with administration of institutions"

"Sec. 765. Except as otherwise specifically provided in this part, nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to, the research or related purposes conducted by, and the personnel or administration of, any institution.

"Definitions"

"Sec. 766. As used in this part—

"(1) the terms "construction" and "cost of construction" include (A) the construction of new buildings and the expansion, remodeling, and alteration of existing buildings, including architects' fees, but not including the cost of acquisition of land or off-site improvements, and (B) equipping new buildings and existing buildings, whether or not expanded, remodeled, or altered;

"(2) the term "nonprofit institution" means an institution owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual."

"Part B—Project Grants for Construction of University-Affiliated Facilities for the Mentally Retarded"

"Authorization of appropriations"

"Sec. 121. For the purpose of assisting in the construction of clinical facilities providing, as nearly as practicable, a full range of inpatient and outpatient services for the mentally retarded and facilities which will aid in demonstrating provision of specialized services for the diagnosis and treatment, education, training, or care of the mentally retarded or in the clinical training of physicians and other specialized personnel needed for research, diagnosis and treatment, education, training, or care of the mentally retarded, there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1964, \$7,500,000 for the fiscal year ending June 30, 1965, and \$10,000,000 each for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967. The sums so appropriated shall be used for project grants for construction of public and other nonprofit facilities for the mentally retarded which are associated with a college or university.

"Applications"

"Sec. 122. Applications for grants under this part with respect to any facility may be approved by the Secretary only if the appli-

cation contains or is supported by reasonable assurances that—

"(1) the facility will be associated, to the extent prescribed in regulations of the Secretary, with a college or university hospital (including affiliated hospitals), or with such other part of a college or university as the Secretary may find appropriate in the light of the purposes of this part;

"(2) the plans and specifications are in accord with regulations prescribed by the Secretary under section 133(3);

"(3) title to the site for the project is or will be vested in one or more of the agencies or institutions filing the application or in a public or other nonprofit agency or institution which is to operate the facility;

"(4) adequate financial support will be available for construction of the project and for its maintenance and operation when completed; and

"(5) all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"Amount of grants; payments"

"Sec. 123. (a) The total of the grants with respect to any project for the construction of a facility under this part may not exceed 75 per centum of the necessary cost of construction thereof as determined by the Secretary.

"(b) Payments of grants under this part shall be made in advance or by way of reimbursement, in such installments consistent with construction progress, and on such conditions as the Secretary may determine.

"Recovery"

"Sec. 124. If any facility with respect to which funds have been paid under this part shall, at any time within twenty years after the completion of construction—

"(1) be sold or transferred to any person, agency, or organization which is not qualified to file an application under this part, or

"(2) cease to be a public or other nonprofit facility for the mentally retarded, unless the Secretary determines, in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for the mentally retarded, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of the facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects.

"Nonduplication of grants"

"Sec. 125. No grant may be made after January 1, 1964, under any provision of the Public Health Service Act, for any of the four fiscal years in the period beginning July 1, 1963, and ending June 30, 1967, for construction of any facility for the mentally retarded described in this part, unless the Secretary determines that funds are not available under this part to make a grant for the construction of such facility.

"Part C—Grants for Construction of Facilities for the Mentally Retarded"

"Authorization of appropriations"

"Sec. 131. There are authorized to be appropriated, for grants for construction of public and other nonprofit facilities for the mentally retarded, \$10,000,000 for the fiscal year ending June 30, 1965, \$12,500,000 for the fiscal year ending June 30, 1966, \$15,000,000 for the fiscal year ending June 30, 1967, and \$30,000,000 for the fiscal year ending June 30, 1968.

"Allotments to States"

"Sec. 132. (a) For each fiscal year, the Secretary shall, in accordance with regulations, make allotments from the sums appropriated under section 131 to the several States on the basis of (1) the population, (2) the extent of the need for facilities for the mentally retarded, and (3) the financial need of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, and Guam, for any fiscal year may be less than \$100,000. Sums so allotted to a State for a fiscal year for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted, to such State for such next fiscal year.

"(b) In accordance with regulations of the Secretary, any State may file with him a request that a specified portion of its allotment under this part be added to the allotment of another State under this part for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a facility for the mentally retarded in such other State. If it is found by the Secretary that construction of the facility with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this part, such portion of such State's allotment shall be added to the allotment of the other State under this part, to be used for the purpose referred to above.

"(c) Upon the request of any State that a specified portion of its allotment under this part be added to the allotment of such State under title II, and upon (1) the simultaneous certification to the Secretary by the State agency designated as provided in the State plan approved under this part to the effect that it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, or (2) a showing satisfactory to the Secretary that the need for the community mental health centers in such State is substantially greater than for the facilities for the mentally retarded, the Secretary shall, subject to such limitations as he may by regulations prescribe, promptly adjust the allotments of such State in accordance with such request and shall notify such State agency and the State agency designated under the State plan approved under title II, and thereafter the allotment as so adjusted shall be deemed the State's allotments for purposes of this part and title II.

"Regulations"

"Sec. 133. Within six months after enactment of this Act, the Secretary shall, after consultation with the Federal Hospital Council (established by section 633 of the Public Health Service Act and hereinafter in this part referred to as the "Council"), by general regulations applicable uniformly to all the States, prescribe—

"(1) the kinds of services needed to provide adequate services for mentally retarded persons residing in a State;

"(2) the general manner in which the State agency (designated as provided in the State plan approved under this part) shall

determine the priority of projects based on the relative need of different areas, giving special consideration to facilities which will provide comprehensive services for a particular community or communities;

"(3) general standards of construction and equipment for facilities of different classes and in different types of location; and

"(4) that the State plan shall provide for adequate facilities for the mentally retarded for persons residing in the State, and shall provide for adequate facilities for the mentally retarded to furnish needed services for persons unable to pay therefor. Such regulations may require that before approval of an application for a facility or addition to a facility is recommended by a State agency, assurance shall be received by the State from the applicant that there will be made available in such facility or addition a reasonable volume of services to persons unable to pay therefor, but an exception shall be made if such a requirement is not feasible from a financial viewpoint.

"State plans

"SEC. 134. (a) After such regulations have been issued, any State desiring to take advantage of this part shall submit a State plan for carrying out its purposes. Such State plan must—

"(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this part;

"(3) provide for the designation of a State advisory council which shall include representatives of State agencies concerned with planning, operation, or utilization of facilities for the mentally retarded and of non-government organizations or groups concerned with education, employment, rehabilitation, welfare, and health, and including representatives of consumers of the services provided by such facilities;

"(4) set forth a program for construction of facilities for the mentally retarded (A) which is based on a Statewide inventory of existing facilities and survey of need; (B) which conforms with the regulations prescribed under section 133(1); and (C) which meets the requirements for furnishing needed services to persons unable to pay therefor, included in regulations prescribed under section 133(4);

"(5) set forth the relative need, determined in accordance with the regulations prescribed under section 133(2), for the several projects included in such programs, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"(6) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of facilities which receive Federal aid under this part;

"(8) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

"(9) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such

access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

"(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary.

"(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"Approval of projects

"SEC. 135. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Secretary through the State agency an application by the State or a political subdivision thereof or by a public or other non-profit agency. If two or more such agencies join in the construction of the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 133(3);

"(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the facility;

"(4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(6) a certification by the State agency of the Federal share for the project.

The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages and overtime pay; (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 133; (C) that the application is in conformity with the State plan approved under section 134 and contains an assurance that in the operation of the facility there will be compliance with the applicable requirements of the State plan and of the regulations prescribed under section 133(4) for furnishing needed facilities for persons unable to pay therefor, and with State standards for operation and maintenance; and (D) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 133(2). No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing.

"(b) Amendment of any approved application shall be subject to approval in the same manner as an original application.

"Withholding of payments

"SEC. 136. Whenever the Secretary after reasonable notice and opportunity for hearing to the State agency designated as provided in section 134(a) (1), finds—

"(1) that the State agency is not complying substantially with the provisions required by section 134 to be included in its State plan or with regulations under this part;

"(2) that any assurance required to be given in an application filed under section 135 is not being or cannot be carried out;

"(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under section 135; or

"(4) that adequate State funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith notify the State agency that—

"(5) no further payments will be made to the State from allotments under this part; or

"(6) no further payments will be made from allotments under this part for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), (3), or (4) of this section,

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"Nonduplication of grants

"SEC. 137. No grant may be made after January 1, 1964, under any provision of the Public Health Service Act, for any of the four fiscal years in the period beginning July 1, 1964, and ending June 30, 1968, for construction of any facility for the mentally retarded described in this part, unless the Secretary determines that funds are not available under this part to make a grant for the construction of such facility.

"TITLE II—CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

"Short title

"SEC. 200. This title may be cited as the 'Community Mental Health Centers Act'.

"Authorization of appropriations

"SEC. 201. There are authorized to be appropriated, for grants for construction of public and other nonprofit community mental health centers, \$35,000,000 for the fiscal year ending June 30, 1965, \$50,000,000 for the fiscal year ending June 30, 1966, and \$65,000,000 for the fiscal year ending June 30, 1967.

"Allotments to States

"SEC. 202. (a) For each fiscal year, the Secretary shall, in accordance with regulations, make allotments from the sums appropriated under section 201 to the several States on the basis of (1) the population, (2) the extent of the need for community mental health centers, and (3) the financial need of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, and Guam, for any fiscal year may be less than \$100,000. Sums so allotted to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted for such State for such next fiscal year.

"(b) In accordance with regulations of the Secretary, any State may file with him a

request that a specified portion of its allotment under this title be added to the allotment of another State under this title for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a community mental health center in such other State. If it is found by the Secretary that construction of the center with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this title, such portion of such State's allotment shall be added to the allotment of the other State under this title to be used for the purpose referred to above.

"(c) Upon the request of any State that a specified portion of its allotment under this title be added to the allotment of such State under part C of title I and upon (1) the simultaneous certification to the Secretary by the State agency designated as provided in the State plan approved under this title to the effect that it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion or (2) a showing satisfactory to the Secretary that the need for facilities for the mentally retarded in such State is substantially greater than for community mental health centers, the Secretary shall, subject to such limitations as he may by regulation prescribe, promptly adjust the allotments of such State in accordance with such request and shall notify such State agency and the State agency designated under the State plan approved under part C of title I, and thereafter the allotments as so adjusted shall be deemed the State's allotments for purposes of this title and part C of title I.

"Regulations

"Sec. 203. Within six months after enactment of this Act, the Secretary shall, after consultation with the Federal Hospital Council (established by section 633 of the Public Health Service Act) and the National Advisory Mental Health Council (established by section 217 of the Public Health Service Act), by general regulations applicable uniformly to all the States, prescribe—

"(1) the kinds of community mental health services needed to provide adequate mental health services for persons residing in a State;

"(2) the general manner in which the State agency (designated as provided in the State plan approved under this title) shall determine the priority of projects based on the relative need of different areas, giving special consideration to projects on the basis of the extent to which the centers to be constructed thereby will, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, provide comprehensive mental health services (as determined by the Secretary in accordance with regulations) for mentally ill persons in a particular community or communities or which will be part of or closely associated with a general hospital;

"(3) general standards of construction and equipment for centers of different classes and in different types of location; and

"(4) that the State plan shall provide for adequate community mental health centers for people residing in the State, and shall provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor. Such regulations may require that before approval of an application for a center or addition to a center is recommended by a State agency, assurance shall be received by the State from the applicant that there will be made available in such center or addition a reasonable volume of services to persons unable to pay therefor, but an exception shall be made if such a requirement is not feasible from a financial viewpoint.

"State plans

"Sec. 204. (a) After such regulations have been issued, any State desiring to take advantage of this title shall submit a State plan for carrying out its purposes. Such State plan must—

"(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this title;

"(3) provide for the designation of a State advisory council which shall include representatives of nongovernment organizations or groups, and of State agencies, concerned with planning, operation, or utilization of community mental health centers or other mental health facilities, including representatives of consumers of the services provided by such centers and facilities who are familiar with the need for such services, to consult with the State agency in carrying out such plan;

"(4) set forth a program for construction of community mental health centers (A) which is based on a statewide inventory of existing facilities and survey of need; (B) which conforms with the regulations prescribed by the Secretary under section 203 (1); and (C) which meets the requirements for furnishing needed services to persons unable to pay therefor, included in regulations prescribed under section 203(4);

"(5) set forth the relative need, determined in accordance with the regulations prescribed under section 203(2), for the several projects included in such programs, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"(6) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title;

"(8) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

"(9) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

"(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary.

"(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"Approval of projects

"Sec. 205. (a) For each project for construction pursuant to a State plan approved under this title, there shall be submitted to the Secretary through the State agency an application by the State or a political subdivision thereof or by a public or other non-

profit agency. If two or more such agencies join in the construction of the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 203(3);

"(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the community mental health center;

"(4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(6) a certification by the State agency of the Federal share for the project.

The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages and overtime pay; (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 203; (C) that the application is in conformity with the State plan approved under section 204 and contains an assurance that in the operation of the center there will be compliance with the applicable requirements of the State plan and of the regulations prescribed under section 203(4) for furnishing needed services for persons unable to pay therefor, and with State standards for operation and maintenance; (D) that the services to be provided by the center, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for persons residing in a particular community or communities in or near which such center is to be situated, at least those essential elements of comprehensive mental health services for mentally ill persons which are prescribed by the Secretary in accordance with regulations; and (E) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 203(2). No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing.

"(b) Amendment of any approved application shall be subject to approval in the same manner as an original application.

"Withholding of payments

"Sec. 206. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency designated as provided in section 204(a)(1), finds—

"(1) that the State agency is not complying substantially with the provisions required by section 204 to be included in its State plan, or with regulations under this title;

"(2) that any assurance required to be given in an application filed under section 205 is not being or cannot be carried out;

"(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under section 205; or

"(4) that adequate State funds are not being provided annually for the direct administration of the State plan, the Secretary may forthwith notify the State agency that—

"(5) no further payments will be made to the State from allotments under this title; or

"(6) no further payments will be made from allotments under this title for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), (3), or (4) of this section,

as the Secretary may determine to be appropriate under the circumstances; and except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"Nonduplication of grants

"Sec. 207. No grant may be made after January 1, 1964, under any provision of the Public Health Service Act, for any of the three fiscal years in the period beginning July 1, 1964, and ending June 30, 1967, for construction of any facility described in this title, unless the Secretary determines that funds are not available under this title to make a grant for the construction of such facility.

"TITLE III.—TRAINING OF TEACHERS OF MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

"Training of teachers of handicapped children

"Sec. 301. (a) (1) The second sentence of the first section of the Act of September 6, 1958 (Public Law 85-926), is amended by striking out 'Such grants' and inserting in lieu thereof 'Grants under this section' and by striking out 'fellowships' and inserting in lieu thereof 'fellowships or traineeships'.

"(2) Such section is further amended by inserting before the second sentence thereof, the following new sentence: 'He is also authorized to make grants to public or other nonprofit institutions of higher learning to assist them in providing professional or advanced training for personnel engaged or preparing to engage in employment as teachers of handicapped children, as supervisors of such teachers, or as speech correctionists or other specialists providing special services for education of such children, or engaged or preparing to engage in research in fields related to education of such children.'

"(3) The first sentence of such section is amended by striking out 'mentally retarded children' and inserting in lieu thereof 'mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education (hereinafter in this Act referred to as 'handicapped children'). Section 2 of such Act is amended by striking out 'mentally retarded children' and inserting in lieu thereof 'handicapped children'.

"(4) The second sentence of section 3 of such Act is repealed. Section 7 of such Act is amended to read as follows:

"Sec. 7. There are authorized to be appropriated for carrying out this Act \$11,

500,000 for the fiscal year ending June 30, 1964; \$14,500,000 for the fiscal year ending June 30, 1965; and \$19,500,000 for the fiscal year ending June 30, 1966.'

"(5) The amendments made by this subsection shall apply in the case of fiscal years beginning after June 30, 1963, except that deaf children shall not be included as 'handicapped children' for purposes of such amendments for the fiscal year ending June 30, 1964.

"(b) Effective for fiscal years beginning after June 30, 1964, the first section of such Act is amended by adding at the end thereof the following new sentence: 'The Commissioner is also authorized to make grants to public or other nonprofit institutions of higher learning to assist them in establishing and maintaining scholarships, with such stipends as may be determined by the Commissioner, for training personnel preparing to engage in employment as teachers of the deaf.'

"(c) (1) The first sentence of subsection (a) of section 6 of the Act of September 22, 1961 (Public Law 87-276, 20 U.S.C. 676) is amended by inserting immediately before the period at the end thereof the following: ', and \$1,500,000 for the fiscal year ending June 30, 1964'.

"(2) Subsection (b) of such section 6 is amended by striking out '1963' and inserting in lieu thereof '1964'.

"Research and demonstration projects in education of handicapped children

"Sec. 302. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1964, and each of the next two fiscal years, the sum of \$2,000,000 to enable the Commissioner of Education to make grants to States, State or local educational agencies, public and nonprofit private institutions of higher learning, and other public or nonprofit private educational or research agencies and organizations for research or demonstration projects relating to education for mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education (hereinafter in this section referred to as 'handicapped children'). Such grants shall be made in installments, in advance or by way of reimbursement, and on such conditions as the Commissioner of Education may determine.

"(b) The Commissioner of Education is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to particular fields of education of handicapped children or relating to special services necessary thereto or special problems involved therein.

"(c) The Commissioner of Education shall also from time to time appoint panels of experts who are competent to evaluate various types of research or demonstration projects under this section, and shall secure the advice and recommendations of such a panel before making any such grant in the field in which such experts are competent.

"(d) Members of any committee or panel appointed under this section who are not regular full-time employees of the United States shall, while serving on the business of such committee or panel, be entitled to receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, but not exceeding \$75 per day, including travel time; and, while so serving away from their homes or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

"(e) The Commissioner of Education is authorized to delegate any of his functions

under this section, except the promulgation of regulations, to any officer or employee of the Office of Education.

"TITLE IV.—GENERAL

"Definitions

"SEC. 401. For purposes of this Act—

"(a) The term 'State' includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

"(b) The term 'facility for the mentally retarded' means a facility specially designed for the diagnosis, treatment, education, training, or custodial care of the mentally retarded, including facilities for training specialists and sheltered workshops for the mentally retarded, but only if such workshops are part of facilities which provide or will provide comprehensive services for the mentally retarded.

"(c) The term 'community mental health center' means a facility providing services for the prevention or diagnosis of mental illness, or care and treatment of mentally ill patients, or rehabilitation of such persons, which services are provided principally for persons residing in a particular community or communities in or near which the facility is situated.

"(d) The terms 'nonprofit facility for the mentally retarded', 'nonprofit community mental health center', and 'nonprofit private institution of higher learning' mean, respectively, a facility for the mentally retarded, a community mental health center, and an institution of higher learning which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

"(e) The term 'construction' includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architect's fees, but excluding the cost of off-site improvements and the cost of the acquisition of land.

"(f) The term 'cost of construction' means the amount found by the Secretary to be necessary for the construction of a project.

"(g) The term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

"(h) The term 'Federal share' with respect to any project means—

"(1) If the State plan under which application for such project is filed contains, as of the date of approval of the project application, standards approved by the Secretary pursuant to section 402 the amount determined in accordance with such standards by the State agency designated under such plan; or

"(2) If the State plan does not contain such standards, the amount (not less than 33½ per centum and not more than either 66½ per centum or the State's Federal percentage, whichever is the lower) established by such State agency for all projects in the State: *Provided*, That prior to the approval of the first such project in the State during any fiscal year such State agency shall give to the Secretary written notification of the Federal share established under this paragraph for such projects in such State to be approved by the Secretary during such fiscal year, and the Federal share for such projects

in such State approved during such fiscal year shall not be changed after such approval.

"(1) The Federal percentage for any State shall be 100 per centum less than percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that the Federal percentage for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66½ per centum.

"(j) (1) The Federal percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation; except that the Secretary shall promulgate such percentages as soon as possible after the enactment of this Act, which promulgation shall be conclusive for the fiscal year ending June 30, 1965.

"(2) The term 'United States' means (but only for purposes of this subsection and subsection (1)) the fifty States and the District of Columbia.

"(k) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"State standards for variable Federal share"

"Sec. 402. The State plan approved under part C of title I or title II may include standards for determination of the Federal share of the cost of projects approved in the State under such part or title, as the case may be. Such standards shall provide equitably (and, to the extent practicable, on the basis of objective criteria) for variations between projects or classes of projects on the basis of the economic status of areas and other relevant factors. No such standards shall provide for a Federal share of more than 66½ per centum or less than 33½ per centum of the cost of construction of any project. The Secretary shall approve any such standards and any modifications thereof which comply with the provisions of this section.

"Payments for construction"

"Sec. 403. (a) Upon certification to the Secretary by the State agency, designated as provided in section 134 in the case of a facility for the mentally retarded, or section 204 in the case of a community mental health center, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to section 136 or section 206, as the case may be, payment may, after he has given the State agency so designated notice of opportunity for hearing pursuant to such section, be withheld, in whole or in part, pending corrective action or action based on such hearing, and (3) the total of payments under this subsection with respect to such project may not exceed an amount equal to the Federal share of the cost of construction of such project.

"(b) In case an amendment to an approved application is approved as provided in section 135 or 205 or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"Judicial review"

"Sec. 404. If the Secretary refuses to approve any application for a project submitted under section 135 or 205, the State agency through which such application was submitted, or if any State is dissatisfied with his action under section 134(b) or 204(b) or section 136 or 206, such State, may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"Recovery"

"Sec. 405. If any facility or center with respect to which funds have been paid under section 403 shall, at any time within twenty years after the completion of construction—

"(1) be sold or transferred to any person, agency, or organization (A) which is not qualified to file an application under section 135 or 205, or (B) which is not approved as a transferee by the State agency designated pursuant to section 134 (in the case of a facility for the mentally retarded) or section 204 (in the case of a community mental health center), or its successor; or

"(2) cease to be a public or other nonprofit facility for the mentally retarded or community mental health center, as the case may be, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded or such center as a community mental health center.

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility or center which has ceased to be public or other nonprofit facility for the mentally retarded or community mental health center, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such facility or center as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility or center prior to judgment.

"State control of operations"

"Sec. 406. Except as otherwise specifically provided, nothing in this Act shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility for the mentally retarded or community mental health center with respect to which any funds have been or may be expended under this Act.

"Conforming amendment"

"Sec. 407. (a) The first sentence of section 633(b) of the Public Health Service Act is amended by striking out 'eight' and inserting in lieu thereof 'twelve'. The second sentence thereof is amended to read: 'Six of the twelve appointed members shall be persons who are outstanding in fields pertaining to medical facility and health activities, and three of these six shall be authorities in matters relating to the operation of hospitals or other medical facilities, one of them shall be an authority in matters relating to the mentally retarded and one of them shall be an authority in matters relating to mental health, and the other six members shall be appointed to represent the consumers of services provided by such facilities and shall be persons familiar with the need for such services in urban or rural areas.'

"(b) The terms of office of the additional members of the Federal Hospital Council authorized by the amendment made by subsection (a) who first take office after enactment of this Act shall expire, as designated by the Secretary at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and one at the end of the fourth year after the date of appointment."

And the House agree to the same.

Amend the title to read as follows: "An Act to provide assistance in combating mental retardation through grants for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction of community mental health centers, and for other purposes."

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
LEO W. O'BRIEN,
PAUL G. ROGERS,
J. ARTHUR YOUNGER,
PAUL F. SCHENCK,
ANCHER NELSEN,
DONALD G. BROZTMAN,

Managers on the Part of the House.

LISTER HILL,
RALPH YARBOROUGH,
HARRISON A. WILLIAMS, Jr.,
CLAIBORNE PELL,
J. K. JAVITS,
JOHN G. TOWER,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments to the House to the bill (S. 1576) to provide assistance in combating mental retardation through grants for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction and initial staffing of community mental health centers, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for clarifying, clerical, and

necessary conforming changes, the differences between the House amendment and the conference substitute are set out below.

General

As passed by the House, S. 1576 authorized appropriations aggregating \$238 million for a 3-year program of construction of certain mental retardation centers; a 2-year program of assistance for construction of certain other mental retardation facilities and community mental health centers; and a 3-year program of training grants and research and demonstration projects relating to education of teachers of handicapped children.

The conference agreement authorizes appropriations aggregating \$329 million, an increase of \$91 million over the aggregate figure for construction contained in the House amendment, and a reduction of \$94 million below the authorizations for construction contained in the bill as passed by the Senate.

The provisions of the Senate-passed bill authorizing \$427 million for initial staffing of community mental health centers are deleted by the conference substitute.

The conference substitute authorizes a 4-year program of assistance in the construction of mental retardation research centers, and facilities for the mentally retarded; a 3-year program of construction of community mental health centers, and a 3-year program of training grants and research and demonstration projects for teachers of handicapped children. The following tables show the differences between the authorizations contained in the House amendment and the conference substitute:

Authorizations under S. 1576, as passed by the House
In millions of dollars]

Program	1964	1965	1966	Total
Mental retardation:				
Research centers.....	6.0	8.0	6.0	20.0
Facilities:				
University grants.....	5.0	7.5	10.0	22.5
State grants.....		12.5	15.0	27.5
Subtotal, title I.....	11.0	28.0	31.0	70.0
Mental health centers: Construction.....		50.0	65.0	115.0
Subtotal, title II.....		50.0	65.0	115.0
Teachers of handicapped:				
Training grants.....	13.0	14.5	19.5	47.0
Research and demonstrations.....	2.0	2.0	2.0	6.0
Subtotal, title III.....	15.0	16.5	21.5	53.0
Grand total.....	26.0	94.5	117.5	238.0

Authorizations under S. 1576, as agreed to by conferees
[In millions of dollars]

Program	1964	1965	1966	1967	1968	Total
Mental retardation:						
Research centers.....	6	8.0	6.0	6		26.0
Facilities:						
University grants.....	5	7.5	10.0	10		32.5
State grants.....		10.0	12.5	15	30	67.5
Subtotal, title I.....	11	25.5	28.5	31	30	126.0
Mental health centers: Construction.....		35.0	50.0	65		150.0
Subtotal, title II.....		35.0	50.0	65		150.0
Teachers of handicapped:						
Training grants.....	13	14.5	19.5			47.0
Research and demonstrations.....	2	2.0	2.0			6.0
Subtotal, title III.....	15	16.5	21.5			53.0
Grand total.....	26	77.0	100.0	96	30	329.0

TITLE I—CONSTRUCTION OF RESEARCH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED

Part A—Grants for construction of centers for research on mental retardation and related aspects of human development

The Senate bill provided for a 5-year program of grants for construction of centers for research on mental retardation and certain related areas, covering fiscal years 1964 through 1968. The House amendment provided for a 3-year program covering fiscal years 1964 through 1966. The amount authorized by the Senate bill was \$30 million and the amount authorized by the House bill was \$20 million. The conference substitute provides for a 4-year program covering the fiscal years 1964 through 1967 with an authorization of \$6 million for fiscal year 1964, \$8 million for fiscal year 1965, and \$6 million each for fiscal years 1966 and 1967; in the aggregate \$26 million.

The House amendment contained a provision prohibiting grants for centers for research on mental retardation and related aspects of human development from being made under other provisions of the Public Health Service Act for the period of the program provided in this part. The Senate bill contained no comparable provisions. The conference substitute retains the House provision with a modification which provides that after January 1, 1964, funds may not be granted under other parts or titles of the Public Health Service Act with respect to such a center (if authorized therein) unless the Surgeon General determines that, due, for example, to insufficiency of funds or lack of priority, funds are not available under this part to make a grant for construction of such center.

At four places in the House amendment, reference was made to the applicability of the Contract Work Hours Standards Act to compensation of laborers and mechanics employed on construction projects under the bill. The conference substitute deletes these references, since that act, by its terms, is already applicable to such compensation.

Part B—Project grants for construction of university-affiliated facilities for the mentally retarded

The Senate bill provided for a 5-year program of grants for construction of university-affiliated facilities for the mentally retarded covering fiscal years 1964 through 1968. The House amendment provided for a 3-year program covering fiscal years 1964 through 1966. The Senate bill authorized appropriations of \$42.5 million for the period of its operation and the House amendment authorized \$22.5 million for the period of its operation. The conference substitute provides for a 4-year program covering the fiscal years 1964 through 1967 with an authorization of \$5 million for fiscal year 1964, \$7.5 million for fiscal year 1965, and \$10 million each for fiscal years 1966 and 1967; in the aggregate, an authorization of \$32.5 million.

The House amendment contained a provision prohibiting grants for the construction of facilities for which grants could be made under this part from being made under provisions of the Public Health Service Act for the period of the program provided in this part. The Senate bill continued no comparable provisions. The conference substitute retains the House provision with a modification which provides that after January 1, 1964, funds may not be granted under the Public Health Service Act for construction of such a facility (if authorized therein) unless the Secretary of Health, Education, and Welfare determines that, due, for example, to insufficiency of funds or lack of priority, funds are not available under this part to make a grant for the construction of such facility.

Part C—Grants for construction of community facilities for the mentally retarded

The Senate bill authorized a 4-year program of grants to the States for construction of facilities for the mentally retarded, following in general the pattern of the Hill-Burton hospital construction program, covering fiscal years 1965 through 1968. The House amendment provided for a 2-year program covering fiscal years 1965 and 1966. The Senate bill authorized appropriations of \$67.5 million in the aggregate for the period of its operation with \$10 million authorized for fiscal year 1965, \$12.5 million for fiscal year 1966, \$15 million for fiscal year 1967, and \$30 million for fiscal year 1968. The House amendment authorized appropriations of \$27.5 million for the period of its operation. The conference substitute is the same as the Senate bill.

Section 133 of the House amendment provided that the Secretary should, by general regulations applicable uniformly to all the States, prescribe regulations relating to community facilities for the mentally retarded constructed with assistance under this part. The Secretary was required to obtain the approval of such regulations by the Federal Hospital Council. The conference substitute provides that the Secretary shall consult with the Federal Hospital Council before issuing such regulations. The requirement that regulations apply uniformly to all the States was retained by the conferees with the understanding that this language is a clarifying amendment, making explicit what is otherwise implicit in this provision as contained elsewhere in the law.

The House amendment contained a provision prohibiting grants for the construction of community facilities for the mentally retarded from being made under the Public Health Service Act for the period of the program provided in this part. The Senate bill contained no comparable provisions. The conference substitute retains the House provision with a modification which provides that after January 1, 1964, funds may not be granted under the Public Health Service Act for construction of such a facility (if authorized therein) unless the Secretary of Health, Education, and Welfare determines that, due, for example, to insufficiency of funds or lack of priority, funds are not available under this part to make a grant for the construction of such facility.

TITLE II—CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

Title II of the Senate bill consisted of two parts, part A, providing for construction grants for community mental health centers, which, in most respects, was the same as title II of the House amendment, and part B, providing for grants for initial staffing of community mental health centers affecting comprehensive services, which had no counterpart in the House amendment. The conference substitute, like the House amendment, contains no provisions with respect to staffing.

Part A of title II of the Senate bill provided for a 4-year program covering the fiscal years 1965 through 1968 for the construction of community mental health centers. Title II of the House amendment provided a 2-year program for the construction of such centers covering fiscal years 1965 and 1966. The Senate bill authorized \$230 million for such construction and the House amendment authorized \$115 million. The conference substitute provides for a 3-year program covering the fiscal years 1965 through 1967 and authorizes the appropriation of \$35 million for fiscal year 1965; \$50 million for fiscal year 1966; and \$65 million for fiscal year 1967; in the aggregate, an authorization of \$150 million.

Section 203 of the House amendment provided that the Secretary should by general regulations applicable uniformly to all the

States prescribe regulations relating to community facilities for the mentally retarded constructed with assistance under this title. The Secretary was required to obtain the approval of such regulations by the Federal Hospital Council. The conference substitute provides that the Secretary shall consult with the Federal Hospital Council and with the National Advisory Mental Health Council before issuing such regulations. The requirement that regulations apply uniformly to all the States was retained by the conferees with the understanding that this language is a clarifying amendment, making explicit what is otherwise implicit in this provision as contained elsewhere in the law.

The House amendment contained a provision prohibiting grants for the construction of community mental health centers under the provisions of the Public Health Service Act for the period of the program providing such grants. The Senate bill contained no comparable provisions. The conference substitute retains the House provision with a modification which provides that after January 1, 1964, funds may not be granted under the Public Health Service Act for the construction of a community mental health center (if authorized therein) unless the Secretary of Health, Education, and Welfare determines that, due, for example, to insufficiency of funds or lack of priority, funds are not available under this part to make a grant for the construction of such center.

Section 205(a)(4) of the House bill required that applications for approval of projects for construction of facilities for community mental health centers would contain reasonable assurance that adequate financial support would be available for the maintenance and operation of the project, including staffing, when the project was completed. The phrase "including staffing" was deleted by the conferees, since this feature is covered by the preceding phrase relating to maintenance and operation.

The conference substitute does not contain any authorization for assistance in the staffing of community mental health centers. The Senate bill authorized \$427 million in appropriations for this purpose. The deletion of this authorization and of the reference to staffing discussed in the preceding paragraph do not affect authority contained in other provisions of law.

TITLE III—TRAINING OF TEACHERS OF MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

Section 301—Training of teachers of handicapped children:

This section provides for the training of teachers of handicapped children, and increases the authorization for appropriations to be used for this purpose.

Subsection (b) of this section, as passed by the Senate, contained an amendment to the act of September 8, 1958, which would, for fiscal years beginning after June 30, 1964, permit the Commissioner of Education to make grants to public or other nonprofit institutions of higher learning to assist them in establishing and maintaining scholarships for training personnel preparing to engage in employment as teachers of the deaf. This is a continuation of the program now being carried on under the act of September 22, 1961 (Public Law 87-276; 20 U.S.C. 676), which under both the Senate bill and the House amendment would be extended to, but terminated as of, June 30, 1964. The House amendment contained no comparable provision for such scholarships. The conference substitute is, in this respect, the same as the Senate bill.

Section 302—Research and demonstration projects in education of handicapped children:

Subsection (a) of section 302 of the Senate bill permitted grants for research and

demonstration projects relating to education of handicapped children to be made directly to local educational agencies and to public or nonprofit educational agencies which are not either State educational agencies or institutions of higher education. The House amendment required that all grants to local educational agencies be made through the State educational agencies and eliminated as direct recipients of such grants public or nonprofit educational agencies which were not State educational agencies or institutions of higher learning. The conference substitute is, in this respect, the same as the Senate bill.

Subsection (d) of the Senate bill permitted the Secretary of Health, Education, and Welfare to fix the compensation of individuals on panels or advisory committees advising him with respect to research and demonstration projects covered by this section at up to \$75 per day. The House amendment fixed a limit of \$50 per day as the amount which the Secretary could fix for the compensation of such individuals. The conference substitute is the same, in this respect, as the Senate bill.

TITLE IV—GENERAL

The Senate bill defined the term "community mental health center" so as to include facilities for the treatment of narcotic addicts if such facilities were part of facilities providing services for other mentally ill persons. The House amendment contained no comparable provision. The conferees agreed that the reference, in the definition of the term "community mental health center," to mentally ill patients would include mentally ill persons who are also narcotic addicts. Therefore, specific reference to mentally ill persons who are narcotic addicts not only is unnecessary but might be misinterpreted so as to exclude other categories of mentally ill persons. It is not intended that community mental health centers deny their services to any category of mentally ill persons.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
LEO W. O'BRIEN,
PAUL G. ROGERS,
J. ARTHUR YOUNGER,
PAUL F. SCHENCK,
ANCHER NELSEN,
DONALD G. BROZEMAN,

Managers on the Part of the House.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from Arkansas [Mr. HARRIS] is recognized.

Mr. HARRIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members will recall when we had this bill before us, it was quite obvious it was one of the most important programs the 88th Congress had considered up to that time and, perhaps, one of the most important we will have before us during this entire Congress insofar as the health and welfare of certain of our people are concerned.

Mr. Speaker, this bill was reported by our committee, as our committee agreed to it, by a unanimous vote. It passed the House after full debate by a vote of 335 to 18. There were differences between the House version and the Senate version. The major difference was the staffing with reference to the mental hospitals as proposed in title II of the bill. That was a difficult issue. The conferees on the part of the House insisted on maintaining the position of the House. We reached compromises in title I, part A of title II and title III. We had very little difficulty reaching an understanding with reference to these provisions.

I think we have brought you a better bill from that standpoint even than when it passed the House. The major difference, that is, staffing, was the issue. The other body for a long time in several meetings insisted on their version. The House Members stood in support of the position of the House. In our last meeting an agreement was reached. The other body receded and yielded to the House insofar as that major part of the proposed legislation is concerned.

I want to compliment the committee. I think it has done a tremendous job. The subcommittee under the chairmanship of the gentleman from Alabama [Mr. ROBERTS] and with the assistance of the ranking member, the gentleman from Ohio [Mr. SCHENK], and the other members of the subcommittee on both sides, have done a tremendous job and I compliment them on the splendid work they have done on a complex and extremely important piece of legislation.

Mr. Speaker, I was complimented, as was the committee, by the overwhelming vote this House gave to us on this matter. I want to commend the conferees for the attention they have given to these problems during the interesting and controversial sessions that we went through. Our staff has done a great job and I want to thank the staff and commend them for the assistance they have given to us on these highly complicated questions.

So, Mr. Speaker, this conference report which we bring before you today was signed by all members. It is unanimous and represents what we think is a sound and constructive compromise on the part of the two Houses.

There was a lot of concern expressed by many Members of the House, you will recall, over these features and certain features of the bill as originally passed with reference to the staffing of community mental health centers. After three meetings of the Committee of Conference, all points in disagreement were finally resolved with the exception of this final issue. Then finally the other body reluctantly yielded and the conference report now before us does not authorize assistance for staffing. In other words, in respect to staffing of community mental health centers, the conference agreement is the same as the bill passed by the House.

Other points in disagreement involved assistance for the construction of facilities. The House bill provided a program which was shorter in point of time and smaller from the point of view of the appropriation authorization and the Senate version. The conference agreement involves an increase of \$91 million over the House version and represents a reduction of \$94 million on these particular programs as was contained in the Senate authorization bill for construction.

With respect to the duration of the program, the conferees with one exception split the difference. In other words, where the House bill involved a 3-year program of assistance and the Senate version authorized a 5-year program, the conference substitute authorizes a 4-year program.

In one respect the conference agreement is the same as the Senate bill in

this area. That has to do with a 4-year program of grants to the States for the construction of facilities for mentally retarded. As you will recall, the House had provided for a 2-year program in this particular item, and the conferees receded and we accepted the Senate version.

The Senate bill provided for a 5-year program of grants for the construction of centers for research on mental retardation and certain related areas covering fiscal years 1964 through 1968. The House amendment provided a 3-year program covering the fiscal years 1964 through 1966. The amount authorized by the Senate bill was \$30 million and the amount authorized by the House was \$20 million. The conference substitute provides for a 4-year program covering the fiscal years 1964 through 1967 with an authorization of \$6 million for the fiscal year 1964, \$8 million for the fiscal year 1965, and \$6 million for each of the fiscal years 1966 and 1967, or an aggregate of \$26 million.

The Senate bill provided for a 5-year program of grants for the construction of university affiliated facilities for the mentally retarded covering fiscal years 1964 through 1968. The House amendment provided a 3-year program covering the fiscal years 1964 through 1966. The Senate bill authorized appropriations of \$42.5 million for the period of its operation. The House amendment authorized \$22.5 million for the period of its operation. The conference substitute provides for a 4-year program covering the fiscal year 1964 through 1967 with an authorization of \$5 million for the fiscal year 1964, \$7.5 million for the fiscal year 1965, and \$10 million each for the fiscal years 1966 and 1967, or an aggregate in authorizations of \$32.5 million.

At four places in the House amendment reference was made to the applicability of the Contract Work Hours Standards Act to compensation of laborers and mechanics employed on construction projects under the bill. The conference substitute deletes these references since the act by its terms is already applicable to such compensation. I want to make that very clear, because there is some interest in it. The act by its terms is already applicable to such compensation.

The Senate bill authorized a 4-year program of grants to the States for the construction of facilities for the mentally retarded following in general the pattern of the Hill-Burton hospital program covering the fiscal years 1965 through 1968. The House amendment provided for a 2-year program covering the fiscal years 1965 and 1966. The Senate bill authorized appropriations of \$67.5 million in the aggregate for the period of its operation, with \$10 million authorized for fiscal year 1965, \$12.5 million for 1966, \$15 million for fiscal year 1967, and \$30 million for fiscal year 1968. The House had authorized an appropriation of \$27.5 million for the period of its operation. The conference substitute in this respect is the same as the Senate bill.

Title II of the Senate bill consisted of two parts, part A providing for construction grants for community mental health centers, which in most respects was the same as title II of the House amendment. Part B provided for grants for initial staffing of community mental health centers affording comprehensive services, which had no counterpart in the House amendment.

Mr. Speaker, the conference substitute, like the House amendment, contains no provision with respect to staffing.

Part A of title II of the Senate bill provided for a 4-year program covering the fiscal years 1965 through 1968 for the construction of community mental health centers. Title II of the House amendment provided a 2-year program for the construction of such centers covering fiscal years 1965 and 1966. The Senate bill authorized \$230 million for such construction and the House amendment authorized \$115 million. The conference substitute provides for a 3-year program covering the fiscal years 1965 through 1967 and authorizes the appropriation of \$35 million for fiscal year 1965; \$50 million for fiscal year 1966; and \$65 million for fiscal year 1967; in the aggregate \$150 million.

This section provides for the training of teachers of handicapped children, and increased the authorization for appropriations to be used for this purpose. We expect that the additional funds authorized for this program of training teachers of handicapped children will be used for training the teachers themselves, rather than graduate students; at least until the needs for teachers of the handicapped have been met.

Subsection (b) of section 301 of the Senate bill contained an amendment to the act of September 6, 1958, which would, for fiscal years beginning after June 30, 1964, permit the Commissioner of Education to make grants to public or other nonprofit institutions of higher learning to assist them in establishing and maintaining scholarships for training personnel preparing to engage in employment as teachers of the deaf. This is a continuation of the program now being carried on under the act of September 22, 1961 (Public Law 87-276; 20 U.S.C. 676), which under both the Senate bill and the House amendment would be extended to, but terminated as of, June 30, 1964. The House amendment contained no comparable provision for such scholarships. The conference substitute is, in this respect, the same as the Senate bill.

Members may recall that the bill as reported by our committee to the House, in this regard, was the same as the Senate bill. On the House floor, the gentleman from Minnesota [Mr. QUINN] offered an amendment which deleted this provision for scholarships for teachers of the deaf, and at the time that I agreed to accept the amendment, I stated that this might create serious problems and that, we, therefore, would study the impact of the amendment on the existing program and see what could be worked out in conference. It developed, after the bill had passed the House, that this amendment

would have a detrimental effect upon the existing program in a number of States which do not have programs for training teachers at the graduate level. For this reason, the House conferees agreed to accept the Senate version. This provision, by the way, follows existing law in this regard.

Subsection (a) of section 302 of the Senate bill permitted grants for research and demonstration projects relating to education of handicapped children to be made directly to local educational agencies and to public or nonprofit educational agencies which are not either State educational agencies or institutions of higher learning. The bill, as reported by the committee, was the same in this regard as the Senate bill. On the House floor, an amendment was agreed to, which would have required that all grants to local educational agencies be made through the State educational agencies and eliminated as direct recipients of such grants public or nonprofit educational agencies which were not State educational agencies or institutions of higher learning.

The Senate conferees were opposed to this amendment, because they felt that it deprived the Commissioner of Education of necessary flexibility in the administration of this program, and the House conferees receded on this point.

Mr. Speaker, I believe that I have covered the major points in disagreement between the two Houses.

Now, Mr. Speaker, let me ask the particular attention of my colleagues at this point. I want all Members to hear this, because it is important.

We have had from throughout the country much insistence for giving in on the staffing of these centers, including wires and other communications of all kinds, as well as letters. We have received and, perhaps, you have also received, wires from certain people who are interested and who have told us that they have polled the House membership. We have communications saying in this respect that they have polled so many Members. They have told us that so many Members said they would vote for this provision. I do not quarrel with that effort. I think it is their privilege to try to tell us, the representatives of the people, what they want. Sometimes I question the authenticity of the information, perhaps, that they give, particularly those of us who have been in it, because as an example, I would like to say for the record that some of the Members that they say have told them they would vote for this provision, I happen to know from my experience, that these Members vote the other way and have said they would never give in to it.

Now, Mr. Speaker, we cannot take for granted this kind of information that comes to us. We of the conference committee had to consider this information as we tried to consider this tremendously important problem.

Mr. Speaker, I want every Member to know that there are organizations—the mental health organizations of the States and other national organizations—which are interested in this field. Some have gone so far as to say, "If you

cannot give us this, we do not want anything at all."

Now, Mr. Speaker, I do not believe they meant it. I just do not see how they could mean it, because we know from our years of experience here that there have been so many things that we could not have just like we wanted them, each of us, and therefore we have had to do the best we could.

What is happening here, Mr. Speaker, is as every member of our committee knows, we are trying to bring about a new concept in dealing with the mentally ill of this country, instead of continuing to put them in a State hospital in one center primarily within the State and have many of them forgotten for the rest of their lives. We propose to establish local mental health centers where those unfortunates to be treated will be close to their families—where the families can help look after them. That concept has never been put into operation before in this country.

Mr. Speaker, we have learned from the hearings that if we did not do something at this point to bring about this new approach, we were going to reach a stage in our States where these facilities would be so congested that people would be treated, not like human beings in some instances, but like animals themselves. I do not think we want that to happen in this country.

So, Mr. Speaker, I give the Members of the House this explanation in order to show the problems that we had.

I may say to the Members of the House that I voted for a certain type of staffing in the committee. Certain others did too, but for the operation here, we have given them the best program that we could come together with. We have unanimously reached this conclusion.

Mr. Speaker, I bring it to the Members of the House with the unanimous approval of the conferees. It has already been adopted by the other body.

Mr. Speaker, I urge the adoption of this report today in order that we might send it on to final approval.

Mr. HARRIS. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Speaker, our Subcommittee on Health and Safety has considered this measure extensively and thoroughly. The full Committee on Interstate and Foreign Commerce also considered the matter completely and thoroughly. As a result of all of the action taken by our committee, both the subcommittee and the full committee, the bill was brought into the House and approved in the form recommended by our committee.

Mr. Speaker, it was a privilege and a pleasure to serve on the joint conference committee with my colleagues. I just want to take this opportunity to express my own appreciation and the appreciation of the other minority members on the conference committee to the chairman of our committee, the gentleman from Arkansas [Mr. HARRIS], for his forthright support and insistence upon the position taken by the House at the time the legislation was considered here in the House.

Chairman HARRIS earlier stated for the RECORD that his personal views differed somewhat from the action taken by our committee. Nevertheless, he felt obligated, as he always does, to support the committee decision and in the conference he refused to yield from the House position.

Mr. Speaker, I urge adoption of this conference report.

Mr. HARRIS. Mr. Speaker, I yield 10 minutes to the chairman of the subcommittee who worked so diligently and long on this, and together with his subcommittee did such a good job, the distinguished gentleman from Alabama [Mr. ROBERTS].

Mr. ROBERTS of Alabama. Mr. Speaker, I thank the distinguished gentleman from Arkansas for his remarks. I would like to pay tribute and thanks to the members of the subcommittee who worked on this bill for several days of hearings and several days of executive sessions.

Mr. Speaker, I rise in support of the conference report on S. 1576, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

As passed by the other body the largest sum of money in this bill was for staffing of the community health centers. The House after consideration of this phase of title II eliminated this feature of the bill although, as stated by the chairman, a good many, and I was among that number, wanted a limited type of staffing. An amendment was offered by the gentleman from Florida [Mr. ROBERTS], which was, I believe, unanimously supported by the subcommittee, to provide for staffing on a 54-month basis, starting with a top percentage of 50, then gradually eliminating it at the end of 4 years. This was rejected by the full committee and, as the bill passed the House, it was eliminated from the House bill.

As the chairman has mentioned, there has been a good deal said about the need for staffing. I believe we will have an opportunity to watch this program develop and if it does appear it cannot get off the ground without additional psychiatrists, psychologists, and nurses trained in this field, I hope to offer a bill later on to accomplish these purposes. However, I feel that we should take the position this bill, which contains about \$329 million attacking the twin problems of mental illness and mental retardation, is a step in the right direction, and a very important step in the right direction.

Although since the beginning of the attack on this problem, mental illness has been subject to State socialized medicine, this bill will utilize and encourage private medicine to make its best contribution. In many of these cases patients are shunted off to an isolated spot in some State institution where they receive little more than a minimum amount of custodial care. This for the first time will eliminate or help remove the stigma of being afflicted with mental illness. It will keep the problem at home—it will keep it in the locale where the patient has the ultimate chance for

recovery and rehabilitation. We have about 17 million people in this country who are afflicted with this illness. We believe this is a bold, new approach to this problem, and we believe it can show wonderful results.

In the conference, as has been true in the House, there was very little objection to title I, which is composed of three parts. Part A provides for the regional mental retardation centers for research. Part B provides for the university affiliated facilities primarily concerned with clinical training of doctors, nurses, and other people in this field. Part C establishes a community facility approach to the problem of mental retardation.

Part B of title I, the university-affiliated facilities part, provides for construction of facilities for both care and research.

Title III of the bill includes a provision authorizing scholarships for teachers of the deaf. Section 302 of the bill will provide for demonstration projects as to new ways of teaching and improved techniques in handling handicapped children.

I believe that for these 5.5 million children who have been neglected throughout our history this is a new day. I sincerely believe that many of these children, as has been demonstrated in some of these schools and medical institutions throughout the country, can be restored to the point that they can make a living for themselves. Many of them by the use of proper teachers and techniques will undoubtedly improve and again in many cases be made self-sustaining.

I do not believe that there is a more important health measure that has come before this body in my 13 years on the Committee on Interstate and Foreign Commerce and in my 7 or 8 years as chairman of the Subcommittee on Public Health and Safety. I commend this report to the House and I sincerely hope it will be adopted overwhelmingly.

Mr. HARRIS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of the conference report on S. 1576, Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. The position of the House was in the main sustained in conference and the report will bring about an effective program to meet the rising problem of mental health and mental retardation in our country.

As has been explained by the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS], the House bill provided for an expenditure of \$238 million, whereas the Senate bill provided for \$850 million, which included \$427 million for staffing of community mental health centers. As Members recall, the House did not approve of staffing by the Federal Government of the community mental health centers. This, therefore, reduced the Senate bill \$427 million and on those items that were compromised by the two bodies, the Senate reduced its figures an additional \$94 million and the House increased its figure \$91 million. This then was a total reduction of \$521 million.

Members will note the importance the committee attached to initiating an effective research and treatment program for mental retardation. I think it can be said without contradiction that it was a strong feeling of the members of the Health and Safety Subcommittee, as well as the members of the full Committee on Interstate and Foreign Commerce, that increased emphasis should be given to this portion of the approved program.

It is the intention and hopes of the committee also that action be taken as soon as possible to bring this program into reality and make it effective. I am sure that our Subcommittee on Health and Safety will expect reports as to progress being made and will be anxious to follow what we are assured will be success in this field.

As to the community mental health centers, here, too, the committee expects prompt action as soon as State programs can be formulated, and effective programs will be initiated to help cure the mentally ill in this dramatic new approach. If the testimony which we heard during the consideration of this legislation bears out the limited experience connected with treatment at community health centers, then we can expect in the years ahead, a dramatic increase in the number of cures to be effected, the rehabilitation of persons otherwise completely lost to society, and reduced cost of meeting the problem of the treatment of the mentally ill.

Although, the House agreed to a modification of the nonduplication amendment because we did not desire to prevent present efforts in this field being prohibited, we nevertheless expect a good-faith administration of the amendment by the Department of Health, Education, and Welfare for actually preventing duplication of these programs from other parts of the Public Health Act. It is my hope and feeling that the Subcommittee on Health and Safety will next year in the consideration of the Hill-Burton Act, go into this problem thoroughly so there will be a clearer statement of nonduplication in this entire field.

Title 3 of the bill of course will provide aid which is so badly needed in helping to train teachers of mentally retarded and other handicapped children. This part of the program should be instituted immediately upon the approval of this legislation and the funding of this program. The Congress in passing this legislation will be initiating a major step to help diagnose, treat, and eliminate the age-old problems of retardation and mental illness. Members can take pride in supporting this legislation.

Mr. HARRIS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. RHODES).

Mr. RHODES of Pennsylvania. Mr. Speaker, as a member of the subcommittee and also as a member of the conference committee which studied this legislation, I am disappointed that the staffing provision contained in the original Harris bill was eliminated.

This provision was in the bill which passed in the other body with only one

opposing vote. It was in the bill which passed unanimously in the House Subcommittee on Public Health and Safety. It was eliminated by a 15-to-12 vote in the full committee.

It is my opinion, Mr. Speaker, that staffing is of much importance to the success of this program. The view of those most competent within organized medicine to make a judgment on this issue has been in favor of the staffing funds. Dr. Lindsay E. Beaton, a physician representing the American Medical Association, testified in support of the staffing provision before the Health and Safety Subcommittee. Dr. Beaton is a specialist in the field of mental retardation and mental health.

On last September 26, Mr. Speaker, the 15th Annual Mental Hospital Institute Meeting in Cincinnati passed a resolution by a unanimous vote asking the Senate-House conference committee to restore the initial staffing provision.

More than 500 State commissioners of mental health, mental hospital superintendents, physicians, psychologists, social workers, chaplains, nurses, and many other mental hospital personnel attended this important meeting.

I feel certain that they represent the overwhelming sentiment of many thousands of dedicated people who work in the public and private mental hospitals of America.

I quote their resolution:

Be it resolved, That this institute go on record as urging the Senate and House conference committee to restore support for the initial staffing of the community mental health centers contemplated by S. 1576. It is our conviction that such temporary operational support is absolutely essential to getting the community centers launched and firmly established in the community; be it further

Resolved, That we who have labored so long in mental hospitals under the handicaps of personnel shortages know that buildings alone are not enough. It will be the services provided that count. Once the centers are operationally underway they can be paid for in local communities like other medical facilities. But they need this initial help to establish their roots in the communities of our Nation; be it further

Resolved, That a great opportunity is at hand to bring the mentally ill back into the mainstream of medicine. We urge you not to allow this bill to pass without some initial support for operational services in the centers.

Mr. Speaker, anyone acquainted with the difficulty in recruiting qualified specialists and technicians to fill vacancies in State hospitals and institutions can understand why staffing is so essential to an effective program of this kind.

Nevertheless, I support this conference report and I agree with our distinguished committee chairman, Congressman OREN HARRIS, that the bill is better than it was when it passed the House.

I want to commend both the chairman of the subcommittee, the distinguished gentleman from Alabama (Mr. ROBERTS), and the chairman of the full Commerce Committee, our distinguished colleague, the gentleman from Arkansas (Mr. HARRIS), for the time, effort, and

leadership they have provided in the thoughtful consideration that has been given to this legislation and in bringing it to the House floor for a decision. All members of the House subcommittee are to be commended for their efforts and time they have given to consideration of this important and needed legislation.

None of the committee denied the importance of the staffing provision. I could not agree, however, with those who felt that funds for initial staffing was entirely State or local responsibility. Nor could I agree with those who thought that the cost of the program could not be justified because of the budgetary problem.

Funds for this program are a good investment in our human resources and in a healthier people and stronger America.

Mr. HARRIS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. LAIRD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 299, nays 13, not voting 121, as follows:

[Roll No. 176]

YEAS—299

Abele	Casey	Fulton, Pa.
Abernethy	Cederberg	Fulton, Tenn.
Addabbo	Chamberlain	Garmatz
Albert	Chenoweth	Gary
Anderson	Clancy	Gathings
Andrews	Clark	Giulio
Arends	Clausen,	Gibbons
Ashley	Don H.	Gilbert
Ashmore	Clawson, Del.	Gill
Aspinall	Cleveland	Gonzalez
Avery	Colmer	Goodling
Baker	Conte	Grabowski
Baldwin	Cramer	Grant
Baring	Curtin	Gray
Barry	Curtis	Green, Oreg.
Bates	Dague	Green, Pa.
Battin	Daniels	Griffin
Becker	Davis, Ga.	Gross
Beckworth	Davis, Tenn.	Grover
Bell	Dawson	Gubser
Bennett, Fla.	Delaney	Hagen, Calif.
Bennett, Mich.	Dent	Haley
Betts	Derounian	Hanna
Boggs	Devine	Hansen
Boland	Dingell	Harding
Bolton,	Dole	Hardy
Frances P.	Donohue	Harris
Bolton,	Dorn	Harrison
Oliver P.	Downing	Harsha
Bonner	Duncan	Harvey, Ind.
Bow	Edmondson	Harvey, Mich.
Brademas	Edwards	Hawkins
Bray	Elliott	Hays
Brooks	Ellsworth	Healey
Broomfield	Everett	Hébert
Brotzman	Ewins	Hechler
Brown, Calif.	Farbstein	Hemphill
Brown, Ohio	Fascell	Henderson
Broyhill, N.C.	Finnegan	Herlong
Buckley	Fino	Holifield
Burke	Flood	Horan
Burkhalter	Flynt	Horton
Burton	Fogarty	Hosmer
Byrne, Pa.	Forrester	Huddleston
Byrnes, Wis.	Fountain	Hull
Cannon	Fraser	Hutchinson
Carey	Friedel	Ichord

Jarman	Murray	Senner
Jensen	Natcher	Sheppard
Johnson, Calif.	Nedzi	Shipley
Johnson, Wis.	Norblad	Short
Jonas	O'Hara, Ill.	Sickles
Jones, Ala.	O'Hara, Mich.	Sikes
Jones, Mo.	O'Konski	Siler
Karsten	Olsen, Mont.	Slak
Karth	Olson, Minn.	Skubitz
Kastenmeier	O'Neill	Slack
Keith	Ostertag	Smith, Calif.
Kilgore	Patten	Snyder
King, Calif.	Pelly	Stafford
King, N.Y.	Perkins	Staggers
Kirwan	Philbin	Stephens
Kornegay	Pike	Stinson
Kunkel	Pirnie	Stratton
Laird	Poff	Sullivan
Langen	Pucinski	Taft
Lankford	Purcell	Talcott
Latta	Quile	Taylor
Leggett	Quillen	Teague, Calif.
Lennon	Rains	Thomas
Lesinski	Randall	Thompson, N.J.
Libonati	Reid, Ill.	Thompson, Tex.
Lindsay	Reid, N.Y.	Thomson, Wis.
Lloyd	Reuss	Toll
Long, Md.	Rhodes, Ariz.	Trimble
McClary	Rhodes, Pa.	Tupper
McCulloch	Rich	Tuten
McFall	Riehlman	Udall
McMillan	Rivers, Alaska	Ullman
MacGregor	Roberts, Ala.	Utt
Mahon	Roberts, Tex.	Van Deerlin
Marsh	Rogers, Colo.	Vanik
Martin, Calif.	Rogers, Fla.	Van Pelt
Mathias	Roney, Pa.	Waggonner
Matsunaga	Rooney, Pa.	Wallhauser
Matthews	Rosenthal	Watts
May	Roudebush	Weaver
Meador	Roush	Weitner
Miller, Calif.	Roybal	Wharton
Milliken	Rumsfeld	White
Mills	Ryan, Mich.	Wickersham
Minish	St. Germain	Wilson, Bob
Minshall	Saylor	Wilson, Ind.
Moore	Schadeberg	Winstead
Morgan	Schenck	Wright
Morris	Schneebeli	Wyder
Morrison	Schweiker	Wyman
Morse	Schwengel	Young
Mosher	Scott	Younger
Murphy, Ill.	Secrest	Zablocki
Murphy, N.Y.	Selden	

NAYS—13

Abbt	Fisher	Pool
Ashbrook	Foreman	Smith, Va.
Beermann	Johansen	Williams
Burleson	Martin, Nebr.	
Dowdy	Pillion	

NOT VOTING—121

Adair	Hagan, Ga.	Patman
Alger	Hall	Pepper
Auchincloss	Halleck	Pilcher
Ayres	Halpern	Poage
Barrett	Hoeven	Powell
Bass	Hoffman	Price
Belcher	Holland	Reifel
Berry	Jennings	Rivers, S.C.
Blatnik	Joelson	Robison
Bolling	Kee	Rodino
Brock	Kelly	Rogers, Tex.
Bromwell	Keogh	Rooney, N.Y.
Broyhill, Va.	Kilburn	Rostenkowski
Bruce	Kluczynski	Ryan, N.Y.
Cahill	Knox	St. George
Cameron	Kyl	St. Onge
Celler	Landrum	Shelley
Chelf	Lipscomb	Shriver
Cohelan	Long, La.	Sibal
Collier	McDade	Smith, Iowa
Cooley	McDowell	Springer
Corbett	McIntire	Staeble
Corman	McLoskey	Steed
Cunningham	Macdonald	Stubblefield
Daddario	Madden	Teague, Tex.
Denton	Mailliard	Thompson, La.
Derwinski	Martin, Mass.	Thornberry
Diggs	Michel	Tollefson
Dulski	Miller, N.Y.	Tuck
Dwyer	Monagan	Vinson
Feighan	Montoya	Watson
Fallon	Moorhead	Westland
Findley	Morton	Whalley
Ford	Moss	Whitener
Frelinghuysen	Multer	Whitten
Fuqua	Nelsen	Widnall
Gallagher	Nix	Willis
Glenn	O'Brien, Ill.	Wilson
Goodell	O'Brien, N.Y.	Charles H.
Griffiths	Osmer	
Gurney	Passman	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Nelsen for, with Mr. Hoffman against.

Until further notice:

Mr. Keogh with Mr. Adair.
 Mr. Multer with Mr. Shriver.
 Mr. Cooley with Mr. Bromwell.
 Mr. St. Onge with Mr. Frelinghuysen.
 Mr. Whitener with Mr. Auchincloss.
 Mr. Hagan of Georgia with Mr. McLoskey.
 Mr. Pepper with Mr. Kilburn.
 Mr. Montoya with Mr. Halpern.
 Mr. S. Seed with Mr. Ayres.
 Mr. Corman with Mr. Corbett.
 Mr. Dulski with Mr. Halleck.
 Mr. Powell with Mr. Osmer.
 Mr. Price with Mr. McIntire.
 Mr. Nix with Mr. Reifel.
 Mr. Madden with Mr. Cahill.
 Mr. Celler with Mr. Brock.
 Mrs. Kelly with Mr. Ford.
 Mr. O'Brien of New York with Mr. Widnall.
 Mr. Joelson with Mr. Mailliard.
 Mr. Holland with Mr. Hoeven.
 Mr. Macdonald with Mr. Belcher.
 Mr. Cameron with Mrs. Dwyer.
 Mr. Blatnik with Mr. Bruce.
 Mr. Patman with Mr. Michel.
 Mr. Moss with Mr. Lipscomb.
 Mr. Barrett with Mr. Knox.
 Mr. Jennings with Mr. Westland.
 Mr. Teague of Texas with Mr. Springer.
 Mr. Thompson of Louisiana with Mr. Broyhill of Virginia.
 Mr. Daddario with Mrs. St. George.
 Mr. Cohelan with Mr. Glenn.
 Mr. Fallon with Mr. McDade.
 Mr. Feighan with Mr. Kyl.
 Mr. Fuqua with Mr. Berry of South Dakota.
 Mrs. Griffiths with Mr. Siball.
 Mr. Rooney with Mr. Goodell.
 Mr. Ryan of New York with Mr. Findley.
 Mr. Shelley with Mr. Alger.
 Mr. Rostenkowski with Mr. Collier.
 Mr. Monagan with Mr. Morton.
 Mr. McDowell with Mr. Hall.
 Mr. Stubblefield with Mr. Tollefson.
 Mr. Charles H. Wilson with Mr. Cunningham.

Mr. Kluczynski with Mr. Robison.
 Mr. Diggs with Mr. Gurney.
 Mr. Gallagher with Mr. Martin of Massachusetts.

Mr. Chelf with Mr. Derwinski.
 Mr. O'Brien of Illinois with Mr. Miller of New York.

Mr. Rogers of Texas with Mr. Whalley.
 Mr. Long of Louisiana with Mr. Watson.
 Mr. Staebler with Mr. Whitten.
 Mr. Moorhead with Mr. Tuck.
 Mr. Willis with Mr. Thornberry.
 Mr. Bass with Mr. Rivers of South Carolina.
 Mr. Vinson with Mr. Passman.
 Mr. Pilcher with Mrs. Kee.
 Mr. Landrum with Mr. Smith of Iowa.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUBCOMMITTEE NO. 4 OF THE COMMITTEE ON SMALL BUSINESS

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 4 of the House Small Business Committee may be allowed to sit during the remainder of the afternoon.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

VISIT OF TWO AFRICAN PRESIDENTS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include the full text of the address at the luncheon given by Secretary of State Rusk on Friday.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, for the first time in the history of our country, as far as I know, two heads of state were honored jointly in Washington by an American Secretary of State when President Ahmadou Ahidjo of the Federation of the Cameroun and President Moktar Ould Daddah of the Islamic Republic of Mauritania were the luncheon guests of Secretary of State Rusk. It was a memorable and historic event. It served to weave even more closely the ties of friendship of our country with the new governments of Africa.

I have spoken often of the importance of Africa in the world of the tomorrow. There is a keenly awakened interest in Africa among the people of the United States, but there is still a scant understanding of the tremendous potentialities of the African Continent. The visit to Washington of President Ahmadou Ahidjo and President Moktar Ould Daddah has served the very useful purpose of deepening that understanding.

Mauritania for the most part is a desert, almost 400,000 square miles of desert. It has a population of less than 1 million persons. That is one side of the picture.

Here is the other side, accentuated by the visit of President Moktar Ould Daddah. The mountains of Mauritania are literally filled with iron ore, constituting one of the world's greatest sources of supply. But there was no adequate transportation between the iron ore country and the port for shipment. That problem has now been solved by the construction of a railroad from the mines at Fort Guard to Port Etienne. This railroad was constructed at a cost of \$190 million, \$66 million of which was financed by a loan from the International Bank, the remainder being private capital in which an agency of the French Government owns a 37-percent interest with private investors in France, the United Kingdom, Germany, and Italy holding the other 63 percent.

With the completion of this railroad, export of ore already has started and will work up to a rate of 4 million tons per annum after 5 years and 6 million tons after 10 years. The Government of Mauritania receives 50 percent of the firm's profits and in addition a 9-percent ad valorem export royalty.

The economic future of Mauritania is thus assured. Indeed, it is unlikely that there is another country in the world with a population of less than 1 million persons with such a bright and dazzling economic future.

This should go a long way to dispell the doubts of some Americans of the soundness of African loans and African investments.

Unfortunately, there is very little published material in English on Mauritania. There are no known American investments there and, few if any, American residents, but Mauritania does have a future and that future is that of a prosperous and not a poor member of the family of nations. President Moktar Ould Daddah is a strong friend of the United States and a warm admirer of President Kennedy.

The Federation of the Cameroon also has a brilliant future. While its economy at present is based almost entirely on agriculture in which 90 percent of the population is engaged, it is making slow but sure progress in industrial development that fits into its agriculture framework. In recent years several new industries, chiefly for the processing of agricultural and forestry products, have been established. These include an aluminum plant at Edea which enjoys the advantage of low cost hydroelectric power from Edea Falls. The factory now is turning out 45,000 metric tons of aluminum annually. Under the Cameroon's 5-year development plan several further industrial plants will be installed including a cement plant at Douala.

The Federal Republic of Cameroon is the 13th largest independent country in sub-Sahara Africa. With an estimated population of 4.3 million, it is the 10th most populous independent nation in that area. Some 400 Americans now live there.

President Ahidjo is a young man of warm personality and of dedication to public service. He joined with President Daddah in expressing his friendship for the Government and the people of the United States and of admiration for President Kennedy.

The visit of these two distinguished African leaders, as the Presidents of nations recently come into independence, has strengthened greatly our understanding of and our friendship with the nations of the African Continent.

Mr. Speaker, by unanimous consent, I am extending my remarks to include the full text of the addresses of Secretary of State Rusk, of President Moktar Ould Daddah, and of President Ahmadou Ahidjo at this historic luncheon:

SECRETARY RUSK'S REMARKS AT THE END OF THE LUNCHEON HE OFFERED IN HONOR OF PRESIDENT AHIDJO, OF CAMEROON, AND PRESIDENT MOKTAR, OF MAURITANIA

President Ahidjo, President Moktar, gentlemen, on behalf of the President and in my own name I would like to express our pleasure at having you with us in Washington and today in the Thomas Jefferson Room.

Thomas Jefferson was one of our great revolutionaries and the founder of the independence of the United States; thus we feel that we are receiving two of the eminent Presidents of the newly independent countries of Africa in very sympathetic surroundings.

I would like to express our particular thanks to Congressman O'HARA who is one of our great legislators and the chairman of the African Affairs Subcommittee of the House. Day after day he has labored so

that our policies toward Africa would be strong, just, and moderate.

I know that in his conversations with President Ahidjo and President Moktar, President Kennedy has spelled out for them the ambitions of the United States with respect to their two countries. Our only ambition is that their countries and their people should be independent, secure, and prosperous; if this ambition becomes fulfilled we shall have no other.

I would like to recall that we have something more in common with Cameroon and Mauritania and that is the support of the principles of the Charter of the United Nations to make a world where each country will have the occasion to turn to its unfinished business.

When I first represented my country at the United Nations, three or four countries spoke for Africa. Today the voices of Africa represent one-third of the membership of the organization. I would like to pay my respects to the quality of that voice, a strong advocate for order.

In conclusion, I would like to remark that this is probably the first occasion where, as Secretary of State, I have entertained two chiefs of state jointly. We have therefore entered into a treaty of protocol whereby the two Presidents have agreed to join me in a toast and I ask you to stand with me for the President of Cameroon, the President of Mauritania, and the President of the United States.

RESPONSE OF PRESIDENT AHMADOU AHIDJO

Mr. Secretary, it is a great pleasure for us to be in your country with you. We know the great interest that the President, his Government, and the American people take in the underdeveloped countries, even those as far removed as Africa. We are greatly touched by this interest, particularly as we know that American aid to underdeveloped countries is not only a material contribution but a very essential contribution to the liberation of the young American countries.

We are also very happy that the United Nations have their headquarters in the United States since it affords some of us the occasion to come to New York once in a while and also to Washington to present our respects to your President and to express in person our gratitude for all the assistance we have received.

We know that you are convinced that this assistance is a great investment, since aiding underdeveloped countries like ours to acquire a better standard of living and a better education constitutes a contribution to the whole of mankind. In conclusion may we thank you for the very friendly welcome you have extended to us today. Gentlemen, we raise our glass to the health of President Kennedy.

RESPONSE OF PRESIDENT MOKTAR OULD DADDAH

Mr. Secretary, Chairman O'Hara, gentlemen, my good friend President Ahidjo has once again greatly facilitated my task by saying everything that I could have said. May I simply add that I concur with everything he has said and make his words fully mine.

I would like to add a few words on the occasion of what was my first personal contact with President Kennedy and I would like to share with you the very strong impression that the President has made on me.

Nowadays it is a difficult task to be head of a state. To be the President even of a small republic like Mauritania is a crushing burden. It is all the more so to be President of the United States at this juncture when your country carries such a heavy burden of responsibility. This is not the result of your own actions but is caused by the nature

of your commitments derived from your own importance in the world of today.

In spite of this I have found your President to be a man open and dynamic and I am convinced that, in speaking only of the present because the future belongs to God, the United States is fortunate today to have a President who is young and dynamic and so well surrounded by young and dynamic associates, most of whom, I am pleased to say, are lawyers.

I invite you to drink to the President of the United States, the prosperity of the American people and not only to friendship between the African people and the American people but to friendship between all the peoples of the world.

BIRMINGHAM PROUD OF ECONOMIC GROWTH

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include tables and other extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, the economic growth and expansion of the city of Birmingham and Jefferson County, Ala., is a phenomenon not difficult to ascertain. In every industrial and commercial area growth and expansion continue at a substantial pace.

To give some indication of the progress of our great area, I enclose hereunder pertinent statistics which will show that all segments of our economy are moving ahead:

Sales of natural gas in thousand cubic feet, Alabama and Jefferson County—Percent change, first 8 months of 1963 to first 8 months of 1962

Type of customer	State total ¹	Jefferson County
Small commercial and industrial.....	+8	+9
Large commercial and industrial.....	+8	+10

¹ Service area, Alabama Gas Corp.

Source: Alabama Gas Corp.

Total telephones gained, Southern Bell Telephone & Telegraph Co.

	September 1963	September 1962	Percent change
Birmingham metropolitan area.....	1,006	896	+12.3
1st 9 months.....	7,495	6,732	+11.3
State of Alabama.....	5,615	5,308	+5.8
1st 9 months.....	33,175	28,290	+17.3

Source: Southern Bell Telephone & Telegraph Co.

Nonagricultural wage and salary employment BIRMINGHAM, ALA.

	September 1963	September 1962	Percent change
SES ¹ nonagricultural placements.....	1,766	1,662	+6.3
SES ¹ job applications initial.....	1,878	2,456	-23.5
SES ¹ job applications, 30-day active file.....	8,076	9,272	-12.9

¹ State employment service.

² Excludes 300 seasonal placements as vendors for park board to work 1 day at Legion Field for Auburn-Tennessee football game.

JEFFERSON COUNTY

	September 1963	September 1962	Percent change
Unemployment claims, initial	2,676	2,928	-8.6
Continued weekly claims filed for State unemployment compensation	17,236	26,786	-35.7
	Aug. 15, 1963	Aug. 15, 1962	Percent change
Manufacturing employment, Jefferson County	61,450	58,350	+5.3
Unemployment, Jefferson County	11,150	16,800	-33.6

¹ Excludes 350 workers temporarily laid off by 1 industry.

NOTE.—Unemployment in Jefferson County as of Aug. 15, 1963, was 4.6 percent. Unemployment in Jefferson County as of Aug. 15, 1962, was 6.8 percent. This is the 5th consecutive month that unemployment in Jefferson County has been below 8 percent.

Source: Alabama State Employment Service, affiliated with U.S. Employment Service.

Construction activity, actual starts

	1st 8 months, 1963	1st 8 months, 1962	Percent change
JEFFERSON COUNTY			
Nonresidential projects (excluding public works)	224	213	+5.2
Dollar volume	\$22,610,000	\$18,696,000	+20.9
Residential dwelling units	3,165	2,634	+20.2
Dollar volume	\$37,116,000	\$35,041,000	+5.9
STATE OF ALABAMA			
Nonresidential projects (excluding public works)	941	876	+7.4
Dollar volume	\$110,273,000	\$122,630,000	-10.1
Residential dwelling units	17,637	12,123	+45.5
Dollar volume	\$224,590,000	\$148,098,000	+51.7

Source: F. W. Dodge Corp. construction reports.

Postal receipts, Birmingham, Ala.

	1963	1962	Percent change
September	\$859,040	\$691,900	+24.2
1st 9 months	7,879,190	6,747,057	+16.8

Sales tax receipts

JEFFERSON COUNTY

	1963	1962	Percent change
September ¹	\$1,961,675	\$1,926,447	+1.9
1st 9 months ¹	17,515,229	17,499,651	+0.09

STATE OF ALABAMA

	1963	1962	Percent change
September ¹	\$7,694,289	\$7,630,687	+0.8
1st 9 months ¹	68,197,157	68,060,205	+3.2

¹ Adjusted for 3 to 4 cents as of Aug. 1, 1963.

Life insurance sales (ordinary)

	Alabama	United States
August 1963	\$80,633,000	\$5,047,000,000
Percent change, August 1962	+110	+111
1st 8 months 1963	\$657,626,000	\$40,062,000,000
Percent change 1st 8 months 1962	+112	+109

Source: Life Insurance Agency Management Association, Hartford, Conn. (represents 83 percent of all insurance sold in the United States).

Debits to demand deposit accounts of individuals, partnerships, and corporations, and of States and political subdivisions (insured commercial banks in the 6th district)

	Thousand dollars		Percent change	
	August 1963	August 1962	From August 1962	Year to date, 8 months, 1963 from 1962
Alabama, total	2,784,907	2,509,135	+11	+11
Birmingham	1,017,022	918,731	+11	+10

Source: Research department, Federal Reserve Bank of Atlanta.

Bank clearings in Birmingham, Ala.

	1963	1962	Percent change
September	\$1,449,040,361	\$1,319,981,856	+9.8
1st 9 months	\$13,068,503,307	\$12,102,624,204	+8.0

Total deposits, Birmingham banks¹

Sept. 30, 1963	\$686,807,360
Sept. 28, 1962	\$643,035,144
Percent change	+6.8

¹ Excluding Steiner Bros. Bank with deposits of approximately \$3,500,000.

Seasonally adjusted indexes of retail sales, Alabama and United States

[1967-59=100]

Month	Alabama retail sales, by retail concerns		U.S. estimated retail sales, all retail stores ¹	
	1962	1963	1962	1963
January	128	143	111	118
February	138	145	111	119
March	141	146	113	119
April	130	147	115	119
May	139	148	114	118
June	141	148	112	120
July	136	144	116	121

¹ Source: U.S. Department of Commerce, Monthly Retail Trade Report.

Sales at retail, by kind of business, Alabama and Jefferson County—Percent change from July 1962 to July 1963

Kind of business	State total	Jefferson County
Retail concerns:	+6.1	+7.9
Food	+7.1	-1.8
General stores with food and gas	+2.0	+5.4
General merchandise	+1.3	+8
Apparel	-0.7	+2.7
Furniture, furnishings, etc.	-8.6	+6.8
Automotive	+15.2	+20.1
Gas service stations	+5.4	+10.5
Lumber and building materials	-2.5	-8.8
Hardware and farm implements	+5.1	+11.2
Eating places	+3.9	+5.1
Drugstores	-7.1	-4.1
All other retail	+8.7	+19.9

Source: Alabama Retail Trade, monthly publication of the Bureau of Business Research. Percent changes based on special tabulation prepared by Alabama Department of Revenue describing reported sales of identical firms.

Motor vehicle registration, Jefferson County

September 1963	1,689
September 1962	1,466
Percent change	+15.2
12 months ending Sept. 30, 1963	265,581
12 months ending Sept. 30, 1962	254,868
Percent change	+4.2

Gasoline sales in gallons, Jefferson County

September 1963	17,775,651
September 1962	16,998,772
Percent change	+4.6
12 months ending Sept. 30, 1963	195,384,225
12 months ending Sept. 30, 1962	191,590,039
Percent change	+2.0

Alabama Power Co., kilowatt-hour sales—Percent change 1st 8 months of 1963 to 1st 8 months of 1962

Alabama Power Co., all divisions:	
Territorial sales	+6.6
Industrial sales	+5.2
Commercial sales	+8.9
Residential sales	+7.0
Birmingham division (Jefferson County):	
Total sales	+3.4
Industrial sales	+8
Commercial sales	+8.6
Residential sales	+4.3

IN DEFENSE OF ITALIAN-AMERICANS

Mr. FARBSTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEN. Mr. Speaker, the sensational declarations emanating from the current Senate hearings, declarations which, because of the tremendous national coverage by press, radio, and television, created a distorted image of the Italian-American as being associated with crime and violence. I feel I must speak out as the representative of many thousands of Americans of Italian descent resident in the 19th Congressional District of New York, which I have the honor to represent, to set the record straight. The real basic fact of which we must not lose sight is that the great mass of Americans of Italian origin constitutes one of the most wholesome segments of American life; a people who are peaceful, law abiding, and useful citizens making an heroic contribution to the greatness of America in every field of human endeavor in direct contrast to the small coterie of hoodlums whose misdeeds have been recited, chapter and verse, across the length and breadth of the land.

But how often are the names hammered home of the great, the industrious, the sincere, the humble Americans of Italian descent? The answer is not often. Yet they certainly far outnumber the renegades. Their contributions to America have been great. But these names do not sell newspapers.

In view of the bad light that recent events have cast on our citizens of Italian descent, I feel this is a good time to remind ourselves of the richness of our Italian heritage. America has been called the "melting pot of civilization," and for good reason. Every conceivable nationality has added to the legacy of this Nation. Definitely, the Italians have been no exception. They have not been a separate part of our culture.

The simple fact is that Italian immigrants and their children have made

their mark in every possible occupation, in the most artistic and highest paid, as well as in the hardest and humblest. There are few industries in which Italians are not active as officers, directors, clerks, and employees.

Not all of us, unfortunately, have been able to grasp the importance or significance of the great contribution these fine people have made to the development and enrichment of our great country, since its discovery by the immortal Genoese navigator, Christopher Columbus. Since that time many courageous people of Italian descent have planted, created, built, and died for this Nation. Italians fought for our independence. William Paca was a signer of the Declaration of Independence. Yes, the history of our country, which was named for Amerigo Vespucci, is replete with Italians like Fra Marco da Nizza, who explored what is today Arizona; Francesco Chino, who laid the foundation for the great cattle industry in the Southwest; Enrico Ponti, who founded the first trading post in Chicago and was one of the founders of the colony of Louisiana; his brother Alfonso Ponti, who helped Cadillac found the city of Detroit; Umberto Beltrami who discovered the sources of the Mississippi; and Dr. Filippo Mazzei, physician and counselor to President Thomas Jefferson, who incorporated the philosophy of Mazzei in the Declaration of Independence with the immortal words "That all men are created free and equal."

How many of our citizens know that an American patriot of Italian origin made possible the victory of Gen. George Rogers Clark which enabled him to open up the great Northwest? And how many know that it was Col. Francis Vigo who financed the expedition and also furnished the military information which brought about the defeat of the Indians in this crucial period in American history?

Right here in the Capitol you will find indelible marks of Italian culture. Ninety percent of the art work, the frescoes, paintings and sculptures are the work of Italian artists such as Constantine Brumidi, Joseph Franzoni, John Andrei.

This Nation can be not only proud but grateful to one of the outstanding scientists of our time. Enrico Fermi, an American by choice, initiated research that paved the way for the atomic bomb which, with Einstein, he helped to develop. His accomplishments in the field of science earned him the Nobel Prize and the Hughes Medal of the Royal Society. A member of the General Advisory Committee of Scientists for the Atomic Energy Commission, he was one of the five top scientists given the Medal of Merit in 1946, the highest award that this Government can make to civilians. Right here in Washington another great scientist is helping our defense effort. He is Assistant Secretary of Defense, Dr. Eugene Fubini.

And in education, we find names like Angelo Patri, considered America's greatest child psychologist; Dr. Rettaggiata, president of the Illinois Institute of Technology; Dr. Edward Mortola, president of Pace College; Dr. Mario Pei,

world renowned philologist, whom George Bernard Shaw cited as a master of the English language; Dr. Francis Verdi, professor of surgery at Yale University, who has left a heritage of distinguished pupils in the field of American surgery.

Many great captains of industry contribute to the enrichment of the Nation. Men like Giannini, who founded the greatest banking institution in the world; the Vaccaros of Louisiana and the Di Giorgio, fruit kings of America; the Cuneo brothers, operators of the greatest printing establishment in the world. As businessmen, as industrialists, as worthwhile Americans, it is difficult to try to enumerate all the contributions of Italians to this country. The magnitude, alone, makes it difficult. Each year the Vigo Press publishes a book, "Italian-American Who's Who." The latest edition is its 19th volume. In this one volume, hundreds of outstanding men and women of Italian descent are listed in its 391 pages.

And in the field of labor we have such outstanding leaders as Luigi Antonini, first vice president of the ILGWU; August Bellanca, vice president of the Amalgamated Clothing Workers of America; George Baldanzi, Howard Molisani, Vincent La Capria, Al Manuti.

These gallant people have produced men in our political life who have made and are making a notable contribution to our laws and to our Government: Senator Pastore, Governor Rosellini, Secretary Celebrezze, Governor Di Salle, Fiorello La Guardia, Judge Musmanno, and a great many other distinguished jurists and legislators, among whom I count many of my colleagues in this present Congress.

Americans of Italian origin have produced famous men in the food industry, vintners, restaurateurs.

In the field of music education and development, the Italians have always played a preponderant role—way out of proportion to their numbers. Their compositions have been popular from colonial times to the present. In opera they have seldom been rivaled. In 1883 the Metropolitan Opera House was opened with Cleofanti Campanini as conductor. He was succeeded in 1895 by Luigi Mancinelli. More recently, singers like Enrico Caruso, Anna Moffo, Mario Lanza, Frank Sinatra, Perry Como, Joni James; band leaders like Guy Lombardo; stage personalities like Dean Martin, Jerry Colonna, Jimmy Durante, and Lou Costello have all given us rich moments of enjoyment. There is no reason to expect Italian contributions in these fields to cease.

In the United States today, there are more than 5,000 physicians and dentists, besides some 3,000 pharmacists, possibly more, of Italian birth or extraction. Many of them have served as presidents of State, county, and local professional organizations. A considerable number are full professors in America's leading medical schools. It is no exaggeration to suggest that in any hospital of note in this country, one would find some Italian-American physician or surgeon in a responsible position.

I could go on and on, in this field and that, sure to point out men of achievement, fine Americans all. But I want to conclude with this magnificent group's contribution to the defense of our country in all the wars it has fought to preserve its birthright. Men such as Felippo Mazzei and Francesco Vigo distinguished themselves in the American Revolution. In World War II, Italian-Americans again exemplified their love and loyalty for this country. An estimated 845,000 men and women of Italian descent served in our Armed Forces. Twenty of the war's 500 Medal of Honor winners were of this group. Francis Spinola was a Congressional Medal of Honor winner in the Civil War, promoted to brigadier general by President Lincoln for gallantry in action.

It has not been easy. The greatest influx of Italian immigrants came to this country after 1880. These did not find acceptance as easily as their predecessors. The jobs available to most of them were humble. They had the barrier of a foreign tongue. Their customs were different. Our laws were unfamiliar. And often ignorant prejudice, that insidious distrust of anything strange, was aimed against them.

Yet, despite all these things, they became a part of America and they did so with dignity. Recognizing the handicaps they labored under, one can better appreciate the gallantry of the Italian immigrants in their efforts to orient themselves to American life.

We are fortunate that they came. They have enriched the life of every city in which they have settled. Love of their country and a keen sense of responsibility toward both their own people and their community have been characteristic. They have set an example of tolerance we would do well to follow in their friendly attitude toward other racial segments of our society.

These are the sons of Columbus, who gave America to the world. I salute these fine Americans of Italian origin whose success has made a better life for all of us. These are the upright, stalwart citizens who are an integral part of the American community of Italian origin. They are true Americans to the core and we are proud of their achievements in behalf of all Americans, regardless of their national origin.

HELLER CHALLENGED ON LAGGING DEMAND THEORY

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CURTIS. Mr. Speaker, the President's Council of Economic Advisers is once again demonstrating its extraordinary ability to resist new information which threatens to upset its carefully devised economic theories. One would think that the substantial body of evidence building up to support the idea that our unemployment is primarily

structural in nature and related to labor market imbalances would be affecting Council thinking. A recent speech by Dr. Walter W. Heller, Chairman of the Council, shows that this, regrettably, is not the case.

Speaking before the American Council of Education in Washington on October 4, Dr. Heller tried once again to show that structural unemployment is not a growing proportion of unemployment, but that "high employment must be laid primarily at the door of insufficient demand." Dr. Heller called the inadequacy of demand "an old-fashioned economic ailment, for which the major cure is the forceful use of fiscal policy, coupled with a facilitative monetary policy."

Dr. Heller says—and I agree with him—that if automation were generating a new surge of technological unemployment, "it would surely be reflected in rising relative unemployment of those with low educational attainment and shrinking relative rates for those with college educations."

Is this happening? A careful and scholarly study of this subject made recently by a professional in this field, Dr. Charles C. Killingsworth of Michigan State University, shows that this is, indeed, the case.

Dr. Heller, however, comes to a different conclusion. He compares the unemployment rate for male workers for 1957—a year in which unemployment was 4.7 percent—to 1962—when unemployment was 5.6 percent. Aside from the questions that might be raised about comparing two years with such different unemployment rates, Dr. Heller shows that the unemployment rate for male workers with an eighth grade education or less rose by about one-half during the period, but that for college graduates, it more than doubled. He also supports his point by noting that the unemployment rate for highly trained personnel was 1.7 percent in both 1954 and 1962. Of course, an unemployment rate of 1.7 percent is surely about as low as one can hope to get the rate for any educational attainment group without encountering serious manpower bottlenecks. It looks mighty good alongside the administration's full employment target of 4 percent.

Let us look at Dr. Killingsworth's more thorough analysis. In a paper presented to the Subcommittee on Employment and Manpower of the U.S. Senate, on September 20, Dr. Killingsworth says that the Council's view that lagging demand, rather than structural factors, is the primary cause for the gradual creep of unemployment above the 4-percent level of 1957 is mistaken. The Council, he says, is "the victim of a half-truth." While the administration's tax cut may be desirable, Dr. Killingsworth says that he believes the administration's economic program is "seriously incomplete." He says:

It gives woefully inadequate attention to what I regard as a key aspect of the unemployment problem of the 1960's—namely, labor market imbalance.

Dr. Killingsworth says that automation is pushing down the demand for

workers with little training, while pushing up the demand for workers with large amounts of training. The shift from goods to services, he says, is a second major factor which is twisting the labor market in the same way.

Dr. Killingsworth then shows the relationship between the rates of unemployment and levels of education of males in 1950 and 1962. Although the unemployment rate was substantially the same in both years, there was a redistribution of unemployment between the 2 years. The unemployment rates at the top of the educational attainment ladder went down while those at the middle or lower rungs of the ladder went up substantially. For example, for those with 16 years or more of school completed, the unemployment rate between 1950 and 1962 declined more than 36 percent. The unemployment rate for those with less than 7 years increased by 9.5 percent, and by over 13 percent for those with less than 11 years of schooling. Under unanimous consent, I include a table prepared by Dr. Killingsworth at this point in the RECORD:

Education and unemployment, April 1950 and March 1962 (males 18 and over)

Years of school completed	Unemployment rates (percent)		Percentage change, 1950-62
	1950	1962	
0 to 7.....	8.4	9.2	+9.5
8.....	6.6	7.5	+13.6
9 to 11.....	6.9	7.8	+13.0
12.....	4.6	4.8	+4.3
13 to 15.....	4.1	4.0	-2.4
16 or more.....	2.2	1.4	-36.4
All groups.....	6.2	6.0	-3.2

Sources:
1950 data: Educational attainment distribution from "1950 Census, Special Reports," table 9, 53-73 (U.S. Department of Commerce, Bureau of the Census); other data from 1950 Current Population Reports, "Labor Force," series P-57, No. 94, May 5, 1950, table 6 (also Bureau of the Census).
1962 data: Unpublished worksheets provided by U.S. Department of Labor, Bureau of Labor Statistics, entitled "Educational Attainment of Workers, March 1962."

These unemployment rates do not tell the whole story. The worsening unemployment prospects for lower educational attainment groups forces down the labor force participation rate of these groups. It squeezes out of the labor market altogether, a large number of people who have given up the active search for jobs. At the same time, it improves job prospects for the better educated, pulling more people into the labor market and raising the labor force participation rate for these groups. Dr. Killingsworth shows that this is exactly what has happened since 1950. He also points out that—

All of the improvement in the unemployment situation in 1962 as compared with 1950 was concentrated in the elite group of our labor force—the approximately 20 percent with college training. In all of the other categories, which have about 80 percent of the labor force, unemployment rates were substantially higher in 1960 than in 1950. These figures . . . substantiate the thesis that the patterns of demands for labor have been twisted faster than the patterns of supply have changed, and that as a result we had a substantially greater degree of labor market imbalance in 1962 than in 1950.

It is said by the administration that the hard core of unemployment is made of ice, and that it would melt away if overall demand rose high enough. According to Dr. Killingsworth:

This line of reasoning assumes—either implicitly or sometimes explicitly—that no serious bottlenecks of labor supply would appear before the achievement of the overall unemployment rate of 4 percent. I seriously question the validity of this critically important assumption under the labor market conditions of today and the foreseeable future.

Looking at experience, since 1950, Dr. Killingsworth says that unemployment at the bottom of the education scale was relatively unresponsive to general increases in the demands of labor, while there was very strong response at the top of the education scale. Dr. Killingsworth concludes that—

Before we could get down to an overall unemployment rate as low as 4 percent, we would have a severe shortage of workers at the top of the educational ladder. This shortage would be a bottleneck to further expansion of employment.

The Killingsworth study has such an important bearing upon the administration's fiscal policies that it should be "must reading" for every Member of Congress, professional economists, and the members of the press who help shape the public's thinking on economic questions.

THE UNEMPLOYED DOLLAR

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CURTIS. Mr. Speaker, during the recent public hearings of the Ways and Means Committee on the proposed tax bill and the two bills to increase the Federal debt ceiling, I questioned Secretary of Treasury Dillon about the rather unusual corporate liquidity which existed in our economy at the present time. I coupled this, in my questioning, with the continued increases in consumer purchasing power throughout all the World War II recessions.

In light of the high incidence of corporate liquidity and vastly increased consumer purchasing power, disregarding other factors, how could one base a case for a tax cut on a need to increase corporate investment dollars or consumer purchasing dollars, I argued? A logical answer to this argument in my judgment has yet to be presented.

The case for the tax cut, and it is a strong case, lies not in removing the impediments our Federal tax structure creates to the power to buy or to the power to invest, but rather on the impediments it creates to the incentives to earn and to the incentives to invest. It lies in tempering the Federal tax system's deleterious effect on the proper economic climate which is necessary if the private enterprise system is to flourish.

The real enemy of economic growth is hoarding. Hoarding is unused or under-used capital or labor. What are the motivations that lead to hoarding? What are the motivations that lead to investing? What are the motivations for the worker to work or earn more, or conversely to work less and earn less? How does our tax structure affect these motivations?

In my judgment the Federal tax structure is undermining in an erosive way the incentive to invest and the incentive to earn. Continued Federal deficits undermine these incentives even more than high taxes. Therefore, to stop this erosion on incentive we must cut both taxes and deficits. This means we must cut Government expenditures to fit the cloth of revenues derived from a sound tax structure. We certainly must not create more erosion through further and greater Federal deficits through cutting revenues without cutting expenditures.

I was deeply interested in reading an article entitled "The Unemployed Dollar" which appeared in the Financial View in New York section of the New York Herald Tribune on October 6, 1963.

So little has been said along this line that the public in general and many persons wise in taxation and finance have just assumed that there is a pinch in the area of corporate liquidity, when the reverse seems to be the case. The question we need to ask is what has happened to our business climate which fails to encourage the saver having saved to invest instead of to hoard. The Federal tax structure seems to be part of the cause, but I wonder if it is not more a symptom of the disease than the disease itself.

The article from the New York Herald Tribune follows:

THE UNEMPLOYED DOLLAR
(By Ben Webberman)

While the country's economic planners and monetary policymakers have been considerably concerned about underutilization of labor (unemployment) and underutilization of plant (excess productive capacity) they have overlooked the phenomenon of underutilization of corporate capital.

Never before in history have company treasurers had so much cash on hand which has not been needed for use in the business. One school of thought holds this position to be quite enviable. There is no need to worry about funds in the event of a business setback. Such an idea, however, is held to be as old fashioned as the theory that borrowing is an indication of financial weakness.

The real problem stems from the fact that it is not possible to generate much of a return on cash which is invested in deposits or U.S. Treasury securities. A company can get, perhaps, 2 percent, tax free, on an investment in short-term municipal bonds.

One corporation with excess cash lending directly to another through the form of commercial paper may be able to earn 4 percent on its funds. A deposit in a commercial bank which stays for 6 months or longer will draw interest at an annual rate of 3 percent.

But, these are not the most profitable uses which a company can make of its financial resources. Well-managed enterprises can easily generate a return of 10 to 15 percent on net worth. Thus, utilizing funds wisely for expansion, acquisition or even for repurchase of shares when stock prices are not excessively high could be more profitable than investment.

A Securities and Exchange Commission survey of all corporations at the end of 1959 uncovered \$38 billion in cash on hand and in banks and an additional \$20 billion in Government securities. This \$58 billion total compared with \$55 billion a year earlier.

Giant General Motors has a short-term portfolio worth more than \$1.7 billion, up from \$861 million 3 years earlier. If the company would buy in common stock without raising the price of its shares on the open market, it would have been able to increase earnings by as much as 30 cents a share. If the money could have been put to work in the business and continue to generate profit at the same rate of return as other funds invested in the business, the cash would add about 40 cents to 50 cents a share.

Eastman Kodak holds about \$300 million in cash. The company's 1-year profit comes to \$140 million after taxes. On a somewhat smaller scale, Beech-Nut Life Savers, Inc., held \$27 million in cash at the end of last year. It reported net income of \$11.5 million for the year.

In one sense, if the companies holding large sums of money would undertake a program of aggressive research and development it could come up with some product or service which would in the long run pay off in products of significant market potential or of ways to distribute much more cheaply.

TAX COMMITTEE SAYS EXPENDITURE CONTROL MUST ACCOMPANY TAX CUTS

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CURTIS. Mr. Speaker, the Committee on Federal Tax Policy, which was organized in 1962 to undertake a study of our Federal tax system, has rendered an important public service in its report issued in September. The report, entitled "Financing America's Future: Taxes, Economic Stability, and Growth," was signed by the chairman of the committee, Roswell Magill, former Under Secretary of the Treasury; and by Charles A. Agemian, vice president and comptroller of the Chase Manhattan Bank; Alfred G. Buehler, professor of public finance at the University of Pennsylvania; Leonard E. Kust, general tax counsel of the Westinghouse Corp.; and Leslie Mills, senior tax partner of Price, Waterhouse & Co., New York. Professor C. Lowell Harriss, of Columbia University, served as director of research, and Alfred Parker, executive secretary of the Tax Foundation, served as the committee's project director.

The committee, which is composed of an able and informed group of men, believes that our tax structure is obsolete and wastefully complex and that tax revision is long overdue. It makes the point, however, that the required revision of the tax system is inextricably related to Federal expenditures.

Tax relief on the scale needed, the committee believes, is possible only as Federal spending is reduced or as the economy grows and Government expend-

itures are held at a level which will permit reductions of tax rates without continuing deficits. It views "with great skepticism" the efficacy and advisability of tax reduction without reductions in spending.

Deficits as a way of life,

It says—

invite uncontrolled spending, price inflation, and a further weakening of the dollar.

The committee believes that substantial tax reduction is possible without continuing deficits if the administrative budget can be held to \$95 billion for 1964 and if future increases in Federal expenditures are rigidly limited.

The committee also recognizes that longrun considerations call for tax reductions which encourage investment as a means of increasing consumption. The excessive progression in the rates of the individual income tax and the unduly high rates of the individual and corporate income taxes are serious deterrents, the committee says, to initiative, savings, and risk-taking.

Unlike many groups which discuss tax reduction, the committee devotes considerable attention to Federal spending, the growth of such spending in recent years and possible ways to better control it. It suggests that a permanent commission on government efficiency and economy be created, a proposal which is similar to that made by the minority members of the Joint Economic Committee in their 1963 annual report.

The tax committee also discusses the danger of budget deficits and questions whether deficit financing can substantially reduce our persistent unemployment. It believes continued deficit financing poses serious inflationary risks, particularly because of the nature of much of our current unemployment, which arises not so much from lagging demand, as from a number of structural forces. The committee also believes that much of our so-called excess capacity is obsolete. "America must not jump at tax cuts which would bring creeping price inflation," the committee says. Unlike many economic analysts, the committee also discusses the difficult problem of financing budget deficits, which involves either unleashing inflationary forces or reducing some of the stimulative impact of tax reduction.

As a member of the Joint Economic Committee, I was particularly pleased to see that so many of the points made by the minority in its views in the 1963 committee report were also made by the Committee on Federal Tax Policy. I think it is also noteworthy that, contrary to the view of some advocates of tax cuts and increased spending, there are scholars who believe that expenditure control must accompany tax cuts. By no means is the administration's position universally accepted by those with competence in this field. The committee's report is most timely, and I strongly urge that members of the press, Members of Congress, and Government officials and the public generally give it the careful attention which it deserves.

THE POWER STRUGGLE AND SECURITY IN A NUCLEAR-SPACE AGE

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, with the announcement by the President that he has submitted the nomination of Paul H. Nitze, Assistant Secretary of Defense, for the post of the Secretary of the Navy, it is appropriate for both the Congress and the country as a whole to consider Mr. Nitze's qualifications for this important position.

In this connection, I wish to cite the report of the Fifth World Order Study Conference which was held in Cleveland, Ohio, November 18-21, 1958, titled, "Christian Responsibility on a Changing Planet." The conference was convened by the department of international affairs of the National Council of the Churches of Christ in the U.S.A. It was divided into four sections, section II being involved with "The Power Struggle and Security in a Nuclear-Space Age." The chairman of this section was Mr. Paul H. Nitze, and cochairman, Mr. Kenneth W. Thompson. Rapporteurs were Messrs. Harold E. Stassen, Raymond E. Wilson, and George W. Rathjens, Jr.

The report of section II is brief, and I will include it in the RECORD in its entirety, along with an editorial from the Chicago Tribune of Monday, October 21, 1963. However, I wish to call particular attention to the following excerpts from this report. The report states:

As citizens we have a natural concern for the security of our Nation. As Christians we have a wider concern for the security of mankind. We cannot, therefore, view with equanimity preparations for nuclear war which might result in the genetic distortion of the human race as well as widespread destruction of civilized life. Since we as Christians could not ourselves press the buttons for such destruction, we must now declare our conviction that we cannot support the concept of nuclear retaliation or preventive war.

It goes on to say:

The United States should—

1. Seek continuation over a 5-year period of the International Geophysical Year.
2. Extend trade and travel with mainland China, Eastern Europe and the Soviet Union.
3. Encourage association and fellowship of various professions and groups across the Iron Curtain, for example, exchange of farmers, students and religious groups.
4. Explore more effective use of its surplus food for distribution in Communist countries and in underdeveloped nations.

In the interest of greater stability in the Far East, Washington should encourage the Chinese Nationalist Government to evacuate exposed positions that may be militarily unsound and politically detrimental, and submit to the U.N. the question of securing peace and security in the area of Formosa.

At minimum, the Western world should not be prevented from liberalizing trade relations with any Far Eastern country. The United States should liberalize its policies

with respect to travel of Chinese nationals in the United States and of U.S. citizens within Communist China. At the same time, our policy should move in the direction of an acceptable solution of the problems of participation by the People's Republic of China in the councils of the United Nations and the establishment of diplomatic relations with that Government by the United States.

It is my hope that the other body will carefully question Mr. Nitze to determine the extent to which his views were represented in this report, to determine the extent to which his views today coincide with this report, and to evaluate whether or not this man has a realistic appreciation for the present world situation. Certainly some aspects of this report could lead a reasonable man to believe that its author could be an unfortunate choice for the sensitive post of Secretary of the Navy.

The complete report of section II of the Fifth World Order Study Conference and the Chicago Tribune editorial of October 21, 1963, follow:

THE POWER STRUGGLE AND SECURITY IN A NUCLEAR-SPACE AGE

(Report of section II, chairman, Paul H. Nitze; cochairman, Kenneth W. Thompson; rapporteurs, Harold E. Stassen, Raymond E. Wilson, George W. Rathjens, Jr.)

I. THREATS TO SECURITY

We remind ourselves, in considering this subject, that we are thinking and speaking, not only as citizens but more particularly as Christians. Ours must be a sustained effort to relate the love of God as revealed in Jesus Christ to the complex problems of our time. Two temptations must be resisted: on the one hand, the temptation to be so impressed with complexities and difficulties that we fail to say clear words on issues that require moral judgment, and on the other hand, the equally strong temptation to overleap concrete problems in the enunciation of general principles.

Christians have a loyalty which transcends the nation. The security they seek cannot be limited to any nation or group of nations. Their obligation is to God-given life. All of it. But this, again, does not mean that Christians should be indifferent to the survival of the nation. For the survival of a nation may be important to the defense of human personality, as the Christian faith understands it.

In the contemporary world situation, the question for Christians in the United States is not simply whether the Nation is righteous but also whether our national existence is valuable, both to the people of this country and to the life of mankind. Some aspects of life in the United States could, without loss, perish, just as some characteristics of life in nations opposing us are worthy of survival. Nor should Americans claim that this Nation, taken as a whole, is better for human life than any other nation. We can, however, say that the present and potential character of our country makes it possible for the United States to be of continued service to human welfare. Not to try to preserve the security of our Nation could be moral dereliction to mankind. Although the Christian's national loyalty is always qualified, it may, nevertheless, be a part of his loyalty to mankind. This does not exclude recognition of the possibility that mankind may be served and enriched by a wide variety of social forms and cultures.

It is implicit in what we have said that security should not be thought of primarily in national terms. The Christian obligation to mankind and the technical developments of our time now combine to make a purely national concept of security wrong from every point of view. Freedom, justice, social

welfare, and security are indivisible. And the nationalistic approach to these goods is both morally and practically obsolete.

What today threatens our security? The manifold aspects of the revolution of our time constitute both a profound challenge and a threat to the basic security of the United States and others of the older nations. The continuing security problem comes from the age-old problem of nations struggling for strategic advantage and competing in national armaments, in a situation lacking order and often approaching anarchy. The growth of Russian and Chinese military power controlled by and coupled with the Communist movement and ideology constitute the present focus of this struggle.

The Marxist-Leninist view of man and society, coupled with a national and personal urge to worldwide power, make the contemporary struggle profoundly serious. The Communist powers are resolved to win the worldwide struggle. They expect to win. They will acquiesce in a genuine coexistence only when their own continued existence clearly demands it, or when, with the passing of time, some of their basic convictions have been eroded.

That the intransigence and aggressive tactics of the Communist powers are caused, in part, by fear for their own security is not to be denied. The tragic experience of the Russian people in two world wars and the history of Western imperialism must be taken into account if we are to understand contemporary Communist attitudes. American nuclear stockpiles and widely scattered military bases, some of them near the borders of the Soviet Union, arouse apprehension. Accordingly we, on our part, must try, more earnestly than we have done, so to conduct ourselves that Communist nations will have less cause to fear our intentions. But their fear also arises out of a legitimate Western response to their aggression. The aggressive aims of the Communists are a real and formidable factor in world tensions and a responsible national policy must take this into account.

From some such appraisal of the threat to security, all considerations of the most effective methods of dealing with the threat should start. It should be added that our response to communism should always include the recognition that the whole Western World, and particularly the Christian Church in prerevolutionary Russia, carries heavy responsibility for the movement's emergence, because of an inadequate emphasis on social justice and human welfare. Communism is, in part, a judgment upon our sins of omission and commission. Humility and repentance are incumbent upon us. But to underrate the threat is no service to human well-being or to world peace.

II. THE SECURITY ROLE OF THE UNITED NATIONS

Neither the United States nor any other nation can insure its security in the years ahead through the unilateral development of military or other power. It is our firm conviction that the best hope for the creation of a system of world order lies in an increase in the power of the United Nations to assume wider responsibilities. Very frequently it may appear that actions taken by that body, in the resolution of disputes, will not be, from the short-term point of view, to the best interests of the United States. We hold, however, that there must be an increased recognition that U.S. interests can find their long-term satisfaction only within a far wider structure of interests that includes those of the rest of mankind. The United States should show a greater willingness than has heretofore been demonstrated to resolve disputes through the organs of the United Nations including the World Court.

We are agreed that if military force is to be used it should be sanctioned by, and under the control of the United Nations.

The United Nations in deterring aggression and in resolving disputes relies upon the authority and moral force of its recommendations backed by the support of those nations committed to the principles of the charter.

Much more emphasis must be placed upon the development of economic and political stability, efforts to settle disputes as early as possible, and the amelioration of situations before they break down into armed conflict or result in situations that invite aggression.

Our basic goal would be a system of international disarmament and security to supersede continued reliance upon military pacts and alliances such as SEATO and the Baghdad Pact.

III. TOWARD THE CONTROL, REDUCTION, AND ABOLITION OF ARMAMENTS

Progress toward the goal of universal disarmament is of major importance in the achievement of world order, in reducing the threat of war, and in lessening the tensions of the power struggle. It is urgent that greater emphasis and multiplied efforts be made by the United States and other nations to reach disarmament agreements because of the rapidly increasing destructiveness of nuclear weapons and intercontinental missiles; because of the growing difficulty of bringing these weapons under adequate inspection and control, and because of the large sums now being spent on armaments compared to aid and technical assistance, in a world characterized by widespread hunger, disease, and illiteracy.

It is not possible at a conference such as this to spell out the process of arms reduction and control in detail, but the following are suggestions for continued efforts. In its efforts toward world disarmament, the United States should:

1. Assume greater initiative toward bringing national armaments under international inspection and control in a process directed toward their consequent limitation, reduction, and eventual abolition.

Toward this end, we should follow up on the progress of the United Nations negotiations and the successful Geneva scientific talks and keep pressing for an early agreement to stop nuclear weapons tests and to install a United Nations inspection system to verify the fulfillment of the agreement, along the lines recommended by the conference of scientists at Geneva. We believe the U.S. Government should continue its present suspension of tests, unilaterally if necessary, for a sufficient period of time to permit full exploration of the possibilities of arriving at a definitive international agreement.

2. Follow up this significant first step of inspection and limitation by additional steps of international control and reduction.

3. Continue to seek an international agreement setting up a U.N. agency for the peaceful exploration of outer space, and a control system to assure the use of outer space for peaceful purposes.

4. Cooperate in establishing the proposed inspection system of the International Atomic Energy Agency in the hope that this may help furnish the pattern necessary for supervising worldwide cessation of production of nuclear weapons.

5. Continue negotiations with the U.S.S.R. for a mutual aerial and ground inspection system to guard against surprise attack and thus seek to aid in creating a climate where more far reaching disarmament negotiations may be undertaken.

6. Recognize the close relationship between political settlements and disarmament and be more willing to broaden the framework of disarmament negotiations. These discussions might include the possibility of mutual withdrawal of nuclear forces from points of closest proximity, and disengagement in areas such as the Middle East or Central Europe.

7. Work to reopen, as soon as possible, disarmament discussions within the U.N. for the purpose of prohibiting production of nuclear weapons and for other weapons of mass destruction, to transfer nuclear weapons stockpiles to peaceful purposes, and to begin the process of reducing arms and armed forces.

8. Press for the creation of a permanent U.N. police force for border patrol, inspection, and the various functions of a genuine international police system.

Within its governmental system, the United States should:

1. Enlarge the staffs and strengthen the programs of the executive branch for studying the problems of world disarmament and formulating workable plans for its accomplishment. The proposal of a carefully worked out, safeguarded, comprehensive disarmament plan by the United States would serve as a focus for specific negotiations and for rallying world opinion.

2. Expand and make permanent the important work of the Special Subcommittee on Disarmament of the Senate Foreign Relations Committee.

3. Undertake a coordinated program among Government agencies to work in cooperation with management and labor for making the transition in as orderly a manner as possible, to an economy less dependent on military expenditures, and to remove the fears that disarmament steps will result in a depression.

4. Offer to devote a substantial percentage of the savings from armaments to allocations for development of underdeveloped countries, using the United Nations as far as possible.

5. Abolish the system of military conscription and allow the authority of the Selective Service System to draft men to lapse on its expiration next June. The Government should consider ways of encouraging recruitment to meet those of its manpower requirements as would result from following the interim military policy suggested in the next section of this report.

IV. INTERIM MILITARY POLICY

Until substantial progress has been made toward disarmament, we must use all our influence to see that wisdom and imagination are used in limiting and controlling military force.

As citizens we have a natural concern for the security of our Nation. As Christians we have a wider concern for the security of mankind. We cannot, therefore, view with equanimity preparations for nuclear war which might result in the genetic distortion of the human race as well as widespread destruction of civilized life. Since we as Christians could not ourselves press the buttons for such destruction, we must now declare our conviction that we cannot support the concept of nuclear retaliation or preventive war.

During the interim period prior to a strengthened system of world order, law, and disarmament:

1. We urge our Government to consider all methods for contributing to world security other than reliance upon nuclear weapons.

2. If the Government continues to rely in any way upon nuclear defenses, we urge that it be only for the deterrent effect that their possession by us may have on their possible use by anyone else.

3. If any such weapons are to remain in United States possession, we urge that the U.S. Government shift the character of the nuclear weapons it is developing away from systems implying very rapid and inadequately considered decision in the event nuclear warfare is believed to have, or has been initiated by others. Weapons systems more nearly invulnerable to surprise attack would permit time for political consideration, for negotiation, for the exercise of third party judgment, and for the force of the moral

opinion of mankind to be brought to bear before a decision would have to be made as to the appropriate reaction in such a crisis. Such a shift in weapon systems would materially reduce the danger of nuclear war arising from misunderstanding or error.

With respect to providing military aid to other nations, the United States should give due regard to the character and objectives of the recipient governments, the effects of the aid on their economic and political systems, and the effects on neighboring states.

V. PEACEFUL COMPETITION AND INTERNATIONAL COOPERATION

The nuclear stalemate prompts both U.S.S.R. and ourselves to shift competition to nonmilitary fields. Presumably, American leaders ought to welcome peaceful competition in ideas, institutions, and opposing conceptions of the good life. Yet, up to the present, national initiative has not been equal to the task. Why have American policies been unsuccessful in this sphere?

Five reasons are advanced for these failures. First, American attitudes have been too one-sided in seeing the cold war in simple, military terms. The power of communism rests in part in its offering, opportunities for rapid economic development to technologically underdeveloped nations. In the next decade, the results of Chinese and Indian experiments will be watched for the object lessons they carry for other new nations.

Second, we have hesitated to accept the fact of living with two major Communist nations for an indefinite period and of recognizing that hostile grimaces and provocative acts will be of no avail.

Third, we have not seized every opportunity to react creatively to more hopeful developments within the Communist world, particularly within the so-called satellite nations.

Fourth, Americans are disposed to see the present struggle as a conflict between good and evil. A simple black and white moralistic approach may impair the effectiveness of our policies toward satellite countries or those whose political goals are not immediately our own.

Fifth, many assume that the world is and must be divided into two ideological blocs. In fact, an important part of the world's peoples are not aligned with either side. More understanding and effective policies must be evolved for cooperation with this part of mankind.

The United States should:

1. Seek continuation over a 5-year period of the International Geophysical Year

2. Extend trade and travel with mainland China, Eastern Europe and the Soviet Union.

3. Encourage association and fellowship of various professions and groups across the Iron Curtain, for example, exchange of farmers, students and religious groups.

4. Explore more effective use of its surplus food for distribution in Communist countries and in underdeveloped nations.

5. Evolve more seminars and conferences for social scientists and scientists from the Soviet bloc and the West. We commend the Department of State for persisting in negotiating an agreement for expanded exchange of persons with the Soviet Union and urge the lifting of restrictions on the travel of Soviet visitors in the United States.

6. Implement programs for common attacks on basic human problems of disease, such as malaria, and threats to crops such as wheat rust, that may be carried across national boundaries.

7. Invite wider participation by the U.S.S.R. in U.N. technical assistance programs.

8. Encourage private investments in underdeveloped areas with appropriate safeguards both for the private investor and for the host nation.

9. Encourage the religious and philosophic dialog above the level of present political struggles. In particular, we urge that all

opportunities be utilized, through the World Council of Churches and other channels, for meetings of churchmen from the Soviet nations and the West.

VI. POINTS OF POLICY WITH RESPECT TO SPECIFIC AREAS

Several of the areas of the world pose particular challenges to American foreign policy at this time.

With respect to China, U.S. policy has not been responsive to the realities. While we cannot condone many of the things for which communism stands, it is the part of wisdom to admit that we see no reasonable alternative open to us other than to recognize that Communist China is a nation of tremendous and growing importance with whom we must live. To continue to treat this great power as an outcast can serve only to deepen existing tensions and to further developments in China which we must deplore. Moreover, continuation of such a policy by the United States is indefensible. We feel that the stiffness of our attitude has already cost us dearly in world opinion, and has made the resolution of our difficulties with China more difficult than might have been the case had there been official channels of communication from the beginning.

The Section would urge a more flexible approach to the Far Eastern problem in the interest of a more adequate representation of American purposes and objectives. In the interest of greater stability in the Far East, Washington should encourage the Chinese Nationalist Government to evacuate exposed positions that may be militarily unsound and politically detrimental, and submit to the U.N. the question of securing peace and security in the area of Formosa. The people on Formosa should be protected in their right freely to determine their own future.

At minimum, the Western World should not be prevented from liberalizing trade relations with any Far Eastern country. The United States should liberalize its policies with respect to travel of Chinese nationals in the United States and of U.S. citizens within Communist China. At the same time, our policy should move in the direction of an acceptable solution of the problems of participation by the People's Republic of China in the councils of the United Nations and the establishment of diplomatic relations with that government by the United States.

We feel that, with respect to peaceful competition with communism, one of the most crucial contests is that being waged in India. Inevitably, all of the underdeveloped nations of the world will compare progress in India with that in China; it will be tragic if the comparison is unfavorable. We, therefore, urge that special consideration be given to providing India with sufficient economic and technical assistance to insure the success of her development program. The fact that India has been unwilling to identify itself with us in our military policy should not deter us in this. Rather, we should welcome the fact that free, uncommitted nations can exist in the world today, and that they may facilitate settlement of disputes in which any of the great powers is involved.

At the heart of any settlement of European problems is the question of the two Germans. Moreover, the continued isolation of West Berlin is clearly a source of great vulnerability to the West. We see no means of materially reducing tensions in this part of the world while remaining faithful to our obligations to the people of West Germany, and of Berlin particularly, other than in unification. We, therefore, urge that our Government continue to support the unification of Germany.

We are deeply concerned that Christians better understand the involved and explosive situation in the Middle East. With humility and penitence we confess that our own lack of understanding and sympathy, both in our reluctance to resettle in Christian countries

the oppressed Jews of Europe, and in our disregard of Arab rights, has contributed to the tragedy of Palestine. We believe that Christians must join with Muslims, Jews and others in a continuing search for just and durable peace in the area. We urge that every effort be continued to find agreement by negotiation whether under the U.N. or by direct consultation among the governments immediately concerned. Particularly we call for the implementation of the U.N. resolutions providing for the return, where possible, of the Arab refugees to their homes; and, where not possible, for adequate compensation for their loss. We believe the Christian community should stand ready to assist in the repatriation or resettlement of the Arab refugees.

We call on our government to support the legitimate aspirations of the Arabs for unity; and of Israel to survive in peace.

We firmly record our support of the U.N. recommendation providing for the internationalization of Jerusalem and its environs.

In general, we feel that our attitudes toward the whole Middle East should be conditioned less by our fear of Soviet expansion into the area and become more responsive to the needs of the peoples of the region. We must recognize the aspirations of the people in the area for independence and economic development. The United States should generously support a widespread program for economic development of that region. We feel that the Baghdad Pact and the Eisenhower doctrine are not responsive to the major problems of the area, and that the former in particular, may have hindered the development of peaceful solutions to Middle East problems.

VII. CALL TO THE CHURCHES

We call upon the members of the Christian churches:

To dedicate themselves to the task of working in a spirit of Christian love for the healing of the nations;

To pray for a spirit of penitence for the selfishness of our affluent society in a world of hunger and need;

To make common cause with the disadvantaged and dispossessed for the realization of their hopes and freedoms;

To transfer the conflict of ideas and ideologies from the battlefield to the realm of peaceful competition and the rule of law;

To translate into reality the old Russian proverb, "Mountains may never come together but men can;"

To multiply their efforts toward beating swords into plowshares and achieving a warless world.

RESOLUTIONS ADOPTED BY THE CONFERENCE RELATED TO SECTION II

RESOLUTION ON NUCLEAR RETALIATION, PREVENTIVE WAR, AND THE ELIMINATION OF WAR

The conference, in receiving the report of section II and commending it to the churches for study and appropriate action, wishes to record that there were differences of views in the conference on certain statements in that report, specifically, regarding the fourth sentence of part IV¹ of the Section Report.

Members of the conference agree in categorically rejecting the concept of preventive war.

There are many of us who emphatically do not agree with the inference that deterrence through the capability for nuclear retaliation is to be bracketed with preventive war.

Such peace as there is today, precarious as it may be, rests to some measure upon the capability for nuclear retaliation. The

¹This sentence reads: "Since we as Christians could not ourselves press the buttons for such destruction, we must now declare our conviction that we cannot support the concept of nuclear retaliation or preventive war."

world's hope of achieving international agreements leading toward universal disarmament may similarly rest in part upon that capability.

In expressing these views, it was made clear that this is not to be taken as approval by the conference of the moral acceptability of all-out nuclear retaliation, or as modification of the view of the conference that the elimination of nuclear warfare and of war itself is a Christian imperative. The problem of whether or not a Christian can support nuclear warfare in any form must be squarely and prayerfully faced by the churches.

The conference directs that this resolution be recorded in the appropriate place with the published version of section II's report.

RESOLUTION ON THE MIDDLE EAST

We are deeply concerned that Christians understand better the involved and explosive situation in the Middle East. With humility and penitence we confess that our own lack of understanding and sympathy, both in our reluctance to resettle the oppressed Jews of Europe in Christian countries, and in our disregard of Arab rights, has contributed to the tragedy of Palestine. We believe that Christians must join with Muslims, Jews and others in a continuing search for just and durable peace in the area. We urge that every effort be continued to find agreement by negotiation whether under the United Nations or by direct consultation of the governments immediately concerned. Particularly we call for the implementation of United Nations resolutions providing for the return, where possible, of the Arab refugees to their homes; and where not possible, for adequate compensation for their loss. We believe the Christian community should stand ready to assist in the repatriation or settlement of the Arab refugees, and in the meantime should urge less grudging and more generous support of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

We firmly record our support of the United Nations recommendation providing for the internationalization of Jerusalem and its environs.

The United States should support the legitimate aspirations of the Arabs for unity, of Israel for survival in peace, and of both for political and economic progress. In particular, our country should continue its search for plans satisfactory to both the Arab States and Israel for the development, to their mutual benefit, of water and other resources.

[From the Chicago Tribune, Oct. 21, 1963]
A DEPTH CHARGE FOR THE NAVY?

For the third time in his administration President Kennedy has a new Secretary of the Navy, Paul H. Nitze. To run the Nation's seagoing combat arm, the President chose a man who for the last 3 years, as Assistant Secretary of Defense for International Security Affairs, has been working the opposite side of the street—how to disarm the Nation.

Nitze, 56, a New York investment banker who made his pile on Wall Street before taking a wartime Government job with the Roosevelt administration, was chief adviser on national security policy to Mr. Kennedy during the presidential campaign. The President, in giving him the Defense appointment, said he expected Nitze to play "a key role in the development of new disarmament plans."

The onetime chief policy planner for former Secretary of State Dean Acheson during the Truman administration has played just such a key role in disarmament as one of the Pentagon intellectuals closest to Defense Secretary Robert S. McNamara. But not always to the satisfaction of Members of Congress.

Last May, the Kennedy administration sent up a trial balloon suggesting that Nitze would replace the retiring Roswell Gilpatric as Deputy Secretary of Defense. When congressional reaction was less than enthusiastic, the balloon was pulled in. Congress still may have some sharp questions for Nitze on defense philosophy when his appointment comes up for confirmation in the Senate.

Only 4 months after joining the Kennedy administration Nitze, in April 1960, expounded some curious views at a California seminar. He suggested that nuclear superiority over the Soviets was no longer desirable and that we start unilateral disarmament to produce reciprocal action by our enemies and thus slow the arms race. Nitze also proposed that we scrap our fixed base missile and bomber bases and place the Strategic Air Command (SAC) first under NATO command and finally under the United Nations.

Earlier, in November 1958, this philosophy was reflected in a report submitted by a section, of which Nitze was chairman, to a world order study conference of the National Council of the Churches of Christ in Cleveland.

This report, stressing international disarmament as a basic goal, rejected the concept of nuclear retaliation, urged the United States to continue suspension of nuclear tests, unilaterally if necessary, and declared that military force should be used only under control of the United Nations. The Nitze report also recommended a U.S. policy move toward seating Red China in the U.N. and recognizing the Peking regime and encouragement of Nationalist China to abandon the offshore islands of Quemoy and Matsu.

Such views might be welcome at a meeting of churchmen seeking to relate Christian responsibility to all mankind. They are hardly calculated to bring joy to admirals trying to build and preserve a strong naval power. Their last civilian chief, Fred Korth, a Texas banker, resigned after losing a battle with McNamara to get a nuclear supercarrier. Their new one looks like a McNamara depth charge.

CHANGE IN LEGISLATIVE PROGRAM FOR THIS WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time for the purpose of advising the House of a change in the legislative program.

Mr. Speaker, the bill H.R. 8427, regarding an improved retirement and disability system for certain employees for the Central Intelligence Agency, will be brought up on Wednesday or Thursday rather than as previously announced.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Ohio.

Mr. HARSHA. May I inquire if there is any legislative program for tomorrow?

Mr. ALBERT. The only legislative program for tomorrow is that which was previously announced, namely, H.R. 8821, which will be called up by the gentleman from Arkansas [Mr. MILLS] under unanimous consent.

Mr. HARSHA. I thank the gentleman.

DR. ERNESTO GALARZA

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. EDWARDS] is recognized for 60 minutes.

Mr. EDWARDS. Mr. Speaker, on September 17, 1963, at a private Southern Pacific Railroad crossing near Chualar, Calif., 32 Mexican agricultural workers were killed in a bus-freight train accident. These men were braceros, imported to the United States pursuant to the provisions of Public Law 78.

It was a horrible tragedy, Mr. Speaker, the worst such accident in the history of California, and we all share in the grief which has been thrust upon wives, children, relatives and neighbors of these fine men from our sister Republic.

From reading California newspapers, the CONGRESSIONAL RECORD, and other publications I am gratified to learn that there are presently underway at least 10 different investigations of the accident, and already the results of these investigations are beginning to bear fruit. For example, the investigation by the California Farm Research and Legislative Committee, Mrs. Grace McDonald, executive secretary, has disclosed that rural California is virtually infested with improperly protected railroad crossings which are continuing to result in a tragically unnecessary number of accidents and deaths.

On my part I welcome each and every one of these investigations. Let us find out exactly why these accidents occur, and let us do something about it.

From the newspapers and from the remarks of several of my colleagues from the other side of the aisle, I have learned that among the investigations presently underway is one authorized by the House Education and Labor Committee. I am told that this investigation is being conducted by two staff members of the House Education and Labor Committee, and that in searching for a consultant with farm labor experience, the Committee has retained Dr. Ernesto Galarza, 1031 Franquette Avenue, San Jose, Calif.

Mr. Speaker, I have the honor of representing the area where Dr. Galarza lives. He is my constituent and a friend of 19 months. Mrs. Edwards and I enjoyed the hospitality of Dr. and Mrs. Galarza at tea in their home last autumn. We had a delightful visit. Mrs. Galarza is a charming lady of outstanding courtesy and kindness.

During the past few days there have been, however, some doubts raised by my Republican colleagues regarding the qualifications of Dr. Galarza for this job, and I am making these remarks today to tell my colleagues more about Dr. Galarza, his background and education.

Mr. Speaker, Dr. Ernesto Galarza is one of California's most distinguished citizens. Born in Mexico in 1905, he came to America as a child. He worked his way through grammar school and high school, taking any job that would allow him to pursue his studies—farmworker, cannery hand, Western Union messenger, interpreter, musician, gardener.

Upon being graduated from high school he continued his education, sup-

porting himself again with various jobs—tutoring, dishwasher, lecturer, translator, social worker. He got the education and three degrees, the B.A. plus Phi Beta Kappa key from Occidental College, Los Angeles; the M.A. at my alma mater, Stanford, in Latin American History and modern languages; and the Ph. D. at Columbia. His doctoral dissertation was an economic monograph on the electric light and power industry in Mexico. It was published in Spanish by the Fondo de Cultura Economica, Mexico.

Mr. Speaker, I will sketch only the highlights of Dr. Galarza's career during the past 20 years. From 1936 to 1947 he was at the Pan American Union here in Washington, D.C., the last 7 years as Chief, Division of Social and Labor Information. In addition to administrative work, his duties concerned research and editing on labor and social conditions in the Americas. He also prepared or edited a number of reports and articles on Latin American conditions in the field of labor and social assistance. He participated in the initial discussions leading to the first bracero agreement of 1942.

Among the honors bestowed upon Dr. Galarza is that of the Republic of Bolivia, the Order of the Condor, given to Dr. Galarza for his outstanding contributions in the relations between our country and Bolivia.

Mr. Speaker, I have received numerous wires, telephone calls, and letters from people in my district in support of the integrity and good name of Dr. Galarza. Typical of the many statements which I have received is one from Mr. Jesus A. Cardenas of Union City, Calif.

He says in part:

Dr. Galarza is respected and admired by the entire Mexican-American community for dedicating a lifetime to the problems of the Mexican-Americans and farm problems.

Mr. W. J. Lopez, of San José, president of the United Latin-American Council of Santa Clara County, which represents 22 organizations, urged that I make a public presentation of Dr. Galarza's record and qualifications.

From 1948 to 1960 Dr. Galarza was director of education and research of the National Farm Labor Union and National Agricultural Workers Union. In this capacity he worked as an organizer; he did economic research on the agricultural industry, appeared at legislative hearings, did social work, assisted the braceros, and performed the numerous other duties in connection with this job.

I pause at this point, Mr. Speaker, to point out the tribulations encountered by anyone who attempts to work in the field of endeavor I have just described. No subject is more controversial and fraught with high feeling than that of the unionization of America's farm laborers who are the most underprivileged and underpaid segment of our labor population. Most of the social legislation that has been enacted through the years to govern the labor of other industry is absent insofar as the farm labor market is concerned. Our farmworkers are usually excluded from the protection of unemployment compensation laws, minimum wage laws, workmen's com-

pensation laws, and the laws granting the right to organize. The Department of Labor tells us that there are 2½ million of these workers, together with their families, and that the average total wage for the year, per worker, is \$1,054.

Dr. Galarza spent 12 years working with this underprivileged segment of our labor force. He fought hard for his programs. The farmers fiercely resisted all attempts to organize the Nation's farmworkers. They still do. Dr. Galarza is a scarred veteran of many battles. He has powerful enemies. But he has persisted in pursuit of his goals, which are to rescue from poverty and underprivilege this large segment of our laboring population, the farmworker.

Yes, Mr. Speaker, Dr. Ernesto Galarza is a fierce partisan where the welfare of the farmworker is concerned and where the welfare of our Mexican-American people are concerned. But he is also a man of integrity and honor, and he will do a searching and painstaking job as consultant to the staff members of the House Education and Labor Committee investigating the bus accident. He is an ardent opponent to the legislation which extends the bracero program, but this does not disqualify him. Oftentimes truths are discovered only by partisans.

I must now, Mr. Speaker, turn to another subject which I feel must be brought to the attention of the House of Representatives. It has been mentioned in connection with Dr. Galarza, and I think that the record should be cleared on this subject once and for all.

In the CONGRESSIONAL RECORD of Thursday, March 9, 1950, appears the extension of remarks of the Honorable Thomas H. Werdel, of California. The gentleman from California inserted a document which he described as the majority report of Special Subcommittee No. 1, Committee on Education and Labor, House of Representatives, Honorable Cleveland M. Bailey, chairman. It states that it is the report of an investigation made by Subcommittee No. 1 on November 12-13, 1949, at Bakersfield and Di Giorgio, Calif.

I am told, Mr. Speaker, that on a number of occasions this insertion in the RECORD has been referred to as an official report of the House Committee on Education and Labor, and as an official report of Subcommittee No. 1.

I am told that this insertion in the RECORD has even been used as evidence in a court of law as a genuine congressional committee report.

Naturally, Mr. Speaker, since this RECORD insertion has been represented for so many years as official committee action, efforts have been made to test its reliability, its authenticity, its official status. One of my office staff checked with the Committee on Education and Labor and inquired about the insertion. She was advised that the minutes of Subcommittee No. 1 show no trace of any discussion or action by the subcommittee or full committee regarding this matter. Further, she was advised that no official report was ever reported to the full committee by the chairman of the subcommittee on this matter.

I am also advised, although my office has not as yet had the opportunity to double check this information, that—

First. An inquiry has been made at National Archives and there is no record at Archives of such a report.

Second. There is no record of any order for printing of any official report in the 81st Congress concerning this matter.

Third. There is no report listed in the "Monthly Catalog of Government Publications" for the 81st Congress on this subject by this subcommittee or committee.

Fourth. There is no entry in the serial list of House reports and documents, for this committee on this subject, of the 81st Congress.

Fifth. There is no record in the minutes of the subcommittee or the committee of a regular or specially called meeting to discuss and approve any such report.

Sixth. There is no record in the Library of Congress of any such report or document.

Seventh. There is no entry in the Journal of the House at any time during the 81st Congress of any report on this subject by this subcommittee or committee.

Eighth. There is nothing in the proceedings of the House as reported in the CONGRESSIONAL RECORD on this subject.

Ninth. The printed hearings of the subcommittee in Bakersfield in November 1949—hearings, Subcommittee No. 1, Committee on Education and Labor, 81st Congress, 2d session—printed in April 1950 do not have the text of any report.

Tenth. The tally clerk of the House has no record of such a report being filed.

Eleventh. There is no record in the files of the committee of any vote on such a report.

Twelfth. There is no record in any issue of the Daily Digest of the House of any such document being reported out by any committee.

The CONGRESSIONAL RECORD on the date this famous insertion was put in, reflects that Congressman Werdel requested unanimous consent to insert in the RECORD a report of a subcommittee—another curious event in the complex history of this insertion.

Mr. Speaker, I understand that reprints of this insertion in the RECORD have been widely circulated and represented as an official report of a House committee. I thought it only fair to present the facts that I have outlined above so that the record is more accurate. I do not think that something should be presented as genuine unless it can be proven, and as of this date this cannot be said to be true of this curious insertion. I therefore respectfully request that an official investigation be conducted on this matter by the appropriate House Committee and a full report submitted to the membership.

LAIRD CHARGE THAT ADMINISTRATION VIOLATED LAW NOW UPHOLD BY COMPTROLLER GENERAL

The SPEAKER pro tempore (Mrs. GREEN of Oregon) Under previous order

of the House, the gentleman from Wisconsin [Mr. LAIRD] is recognized for 20 minutes.

Mr. LAIRD. Madam Speaker, my office has just received a ruling from the Comptroller General of the United States which was handed down in response to an inquiry submitted by me on July 18, 1963. The Comptroller General has ruled that the Executive is in violation of section 107(b) of the Foreign Aid Appropriation Act of 1963 which states, in part:

No economic assistance shall be furnished to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba so long as it is governed by the Castro regime.

At the conclusion of my remarks, I ask unanimous consent to insert in the RECORD the full text of the Comptroller General's letter to me.

The fact that the administration chose to ignore this provision in the law until the Comptroller General, at my request, instituted proceedings to determine whether it had been violated, demonstrates this administration's reluctance to discharge its duty to uphold all laws whether or not it finds itself in agreement with them. The further fact that after the investigation was begun, the administration bent over backward to find nebulous loopholes to justify its failure to act, demonstrates that the administration is more interested in finding loopholes in a law that is unpalatable to the Executive than it is in executing that law in conformity with the intent of Congress.

My office has a list of free world ships that have engaged in the Cuban trade. Several of these ships carried cargoes from Communist bloc countries to Cuba. The cargoes in these ships contained items of economic assistance as the following quote from a letter written by AID to the Comptroller General will demonstrate:

Based upon our information regarding the Bloc-Cuba aid and trade relationship, we assume that any cargo transported from the Bloc to Cuba is composed, in whole or in part, of items of economic assistance unless the contrary is shown.

Mr. Speaker, the list I have in my possession which covers the period from April 1963 through October 9, 1963, shows that a large number of free world ships have transported cargoes from bloc countries to Cuba.

For example, the Lebanese ship *Akamas* left Novorossiysk, Soviet Union in early April 1963, and arrived in Havana on May 2, 1963.

The Greek ship *North Queen* originated in Odessa, Soviet Union, arriving in Havana on May 29, 1963.

The Lebanese ship *Vassiliki* left Leningrad, Soviet Union, on July 27 and arrived in Havana on August 26, 1963.

The West German ship *Adolf Leonhardt* traveled from Red China to Havana, arriving there on May 18, 1963.

There are dozens of additional examples on the list in my office. I will list several of these at the conclusion of my remarks.

These countries receive economic assistance from the United States. The law states that such aid should be denied unless the President determines that the continuation of such aid is in the national interest and informs certain committees of the Congress of his reasons for not complying with the law.

The aid has continued to these countries and other countries that have engaged in the Cuban trade in obvious violation of the law. Yet the President has not seen fit even to inform the appropriate committees of the Congress of the reasons for his actions.

It is possible Mr. Speaker, that there is good reason for continuing economic assistance to Greece, Lebanon, and other countries that have violated the provisions of our law. The Congress foresaw this possibility and provided a certain discretionary authority for the President to exercise if the necessity arose. But, the Congress also stated explicitly and clearly that the President must, if he deems it necessary to bypass the law, inform "the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives." The law also stated that "reports made pursuant to this subsection shall be published in the Federal Register within 7 days of submission to the committees and shall contain a statement by the President of the reasons for such determination."

To the best of my knowledge this has not been done on a single occasion since the Foreign Assistance Act of 1963 became effective.

This can be interpreted in no other way than as a flagrant disregard of the law of the land. The executive has taken upon itself the authority to vest in itself an item veto not on a bill passed by both Houses of the Congress but on a law signed by the President and already in effect.

It is clear from the AID letter to the Comptroller General that the administration is aware that violations of the law have been occurring on a continuous basis. The only justification given for the Executive's failure to comply with the law boils down to a tortuous resort to semantics. For example, after admitting that certain Greek tankers "carried cargoes proscribed by subsection (b) of No. 107," the AID letter states:

However, subsection (b) requires termination of economic assistance in such a case only if the Government of the aid recipient country "permitted" the voyage to occur. In the case of the Greek tankers, the voyages were all made in fulfillment of charter arrangements entered into prior to the effective date of the Appropriation Act.

The Comptroller General, in commenting on this language, stated:

Section 107 of the act is applicable to countries which "permit" ships under their registry to engage in the proscribed carriage to Cuba. As stated in 70 C.J.S. permit, page 566, "permit" is not a technical word, and in English it has two significations, the first being where the mind consents to the act, the second where the mind does not affirmatively agree to the act, but, having the right and the means to interfere to prevent it from transpiring, fails to do so. The second signification is applicable, in our opinion, to section 107

of the act and in order to obtain the benefits of foreign assistance it would seem to be incumbent upon an aid recipient country to promptly take steps to prevent ships of its registry from carrying proscribed shipments to Cuba. * * * The administrative position (AID letter) that the Greek Government did not "permit" the voyages in question excuses a country from taking prompt action to protect its receipt of assistance in apparent disregard of the basic purpose of section 107.

The upshot of this is that the AID Appropriation Act was clear and explicit. It was up to the country involved to terminate shipping to Cuba. If the President felt that such termination should be delayed for national interest reasons, it was incumbent upon him to so inform the appropriate committees. This, he did not do. Even at this late date, the Congress would still be very much interested in the President's reasons for failing at least to make the requisite reports to the appropriate committees of the Congress.

At the same time, the Undersecretary of Commerce, Mr. Roosevelt, might issue an explanation for his having accepted Greek favors on a Greek yacht at a time when Greek ships continue to engage in the Cuban trade and continue to receive U.S. assistance in direct violation of U.S. law. The Congress took action to bar Members of Congress from traveling on foreign ships either at reduced rates or free of charge. It seems to me this should apply to executive officials, if not actually by law, at least by voluntary compliance inasmuch as the laws of prudence and discretion would dictate such a course. Perhaps it would not be unprofitable to call Mr. Roosevelt before the appropriate committees of the Congress to testify on the reasons for his having accepted the invitation of a Greek shipping magnate at this particular time.

It is an unfortunate commentary on the present state of our Government when a President feels that he can wink at a clear-cut provision of a duly enacted law of the United States and get away with it. Hopefully the Congress will come more and more to insist upon the proper execution of the laws it has enacted.

The letter from the Comptroller General of the United States, referred to above, follows. It will be noted that the first part of the letter deals with my original charge that strategic goods were carried in British, Norwegian, Italian, and Greek tankers. The administration has defined "petroleum," as proscribed by the act, as not including crude oil. The letter of the law may well bear this out, but certainly the intent of Congress and the spirit of the law would indicate that crude oil should come under the definition of proscribed items. Hopefully, this will be made quite clear in this year's act.

The letter follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,

Washington, D.C., October 16, 1963.

HON. MELVIN R. LAIRD,
House of Representatives,
Washington, D.C.

DEAR MR. LAIRD: This refers to your letter of July 18, 1963, concerning facts coming to your attention indicating that the executive branch of the Government has violated the provisions of section 107 of the Foreign Aid and Related Agencies Appropriation Act,

1963, approved October 23, 1962, Public Law 87-872, 76 Stat. 1165, and requesting that our office investigate this matter in order to ascertain whether the provisions have in fact been violated.

The information upon which your inquiry is based is that tankers from the United Kingdom, Italy, Norway, and Greece have traveled to Cuba in the first 6 months of 1963, and that these countries continue to receive assistance from the United States, which appears to be in violation of section 107(a) of the act.

Section 107 of Public Law 87-872 provides:

"(a) No assistance shall be furnished to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, under the Foreign Assistance Act of 1961, as amended, any arms, ammunition, implements of war, atomic energy materials, or any articles, materials or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended.

"(b) No economic assistance shall be furnished to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba so long as it is governed by the Castro regime, under the Foreign Assistance Act of 1961, as amended, unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination."

Upon receipt of your inquiry information was requested from the Agency for International Development and by letter of September 24, 1963, the Agency furnished a report in the matter. The contents of the report is set forth below together with our comments on the various points.

"The first point stated in the inquiry is that tankers from the United Kingdom, Italy, Norway, and Greece have traveled to Cuba in the first 6 months of 1963 and that these countries continue to receive assistance from the United States. The inquiry states that these facts indicate a violation of section 107(a) of the Appropriation Act.

"While the facts stated are correct, the conclusion is not. The conclusion is predicated on the assumption that section 107 (a) prohibits assistance to any country whose ships carry any form of petroleum product. A more precise reading makes clear, however, that section 107(a) only applies to ships carrying petroleum products contained on the Battle Act, title I list.

"The items proscribed by section 107(a) are described as follows: 'Arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war contained on the list maintained by the Administrator pursuant to title I of the [Battle Act].'

"The phrase 'contained on the list maintained by the Administrator pursuant to title I of the [Battle Act]' qualifies all of the descriptive words appearing before that phrase. The reference to petroleum is not to petroleum per se, but to petroleum which is an article used in the production of arms, ammunition, and implements of war and

which is contained in the Battle Act, title I list. This interpretation of section 107(a) is further sustained by the fact that the descriptive words used in section 107(a) are taken directly from title I of the Battle Act. Section 103(a) of the Battle Act provides in pertinent part, as follows:

"The Administrator is hereby authorized and directed to determine within thirty days after enactment of this Act * * * which items are for the purpose of this Act, arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and those items of primary strategic significance used in the production of arms, ammunition, and implements of war which should be embargoed to effectuate the purposes of this Act."

"Where Congress in one statute uses certain descriptive words and then repeats these words in a subsequent statute at the same time referring to the first, it must be assumed that the words of the subsequent statute were intended to relate to the same things as the first statute."

"Furthermore, the congressional intent to be assumed from the statutory language was made explicit in the following colloquy which took place on the Senate floor in connection with the Senate Appropriations Committee's version of section 107(a), from which the present section 107(a) was drawn:

"Mr. HUMPHREY. * * * I ask the chairman of the Appropriations Committee whether I understand correctly that the shipping controls under this provision would be administered in the same manner as strategic trade controls under the Battle Act and that similar guidelines would be used to determine what items are controlled and when violations occur so that U.S. assistance must be withheld?"

"Mr. HAYDEN. Yes; the Senator is correct." (CONGRESSIONAL RECORD, volume 107, part 16, page 21483.)

"Thus, where there is no evidence that Battle Act, title I items were carried on a particular voyage, section 107(a) is not legally applicable."

"On the basis of the foregoing analysis it can be readily demonstrated that no violation of section 107(a) occurred by reason of the voyages to Cuba by British, Italian, Norwegian, and Greek tankers during the first 6 months of 1963. Some of these tankers traveled to Cuba in ballast (empty). Many of these tankers were vessels specially constructed to carry liquid molasses. Of the tankers which carried cargoes to Cuba, all but one tanker carried crude oil exclusively, and crude oil is not on the list of strategic cargoes maintained under title I of the Battle Act. Present evidence shows that one tanker on two voyages carried other types of petroleum products, but none of the information now available regarding these products indicates that they are on the title I, Battle Act list. Merely because we do not now have sufficient specifications on these items to conclusively determine that they are not on the Battle Act, title I list does not mean that we must presume that this voyage violated section 107(a). Concrete evidence that Battle Act items were carried is necessary."

The provisions of the Battle Act cited above are codified in 22 U.S.C. 1611.

We believe the administrative view to be legally sound and that the word "petroleum" as used in section 107(a) does not include crude oil. We note that further information in regard to this matter and the weaknesses of section 107 to control shipments to Cuba is included in the discussions appearing in the CONGRESSIONAL RECORD for August 22, 1963, pages 15585 through 15591, when the Foreign Assistance Act of 1963, H.R. 7885, was on the floor of the House for consideration. Congressman FASCELL's statement, beginning on page 15585, indicates an awareness that section 107(a) pertains only

to commodities embargoed under the Battle Act and that crude oil is not such a commodity.

The administrative report continues as follows:

"While the first part of the congressional inquiry relates only to subsection (a) of section 107, a word might be said with respect to the application of subsection (b) to the British, Norwegian, Italian, and Greek tankers in question. First, since subsection (b) prohibits only economic assistance and Britain, Norway, and Italy receive no such assistance, subsection (b) has no application to voyages by vessels of these countries. Second, Greece does, however, receive economic assistance and, based upon our information regarding the bloc-Cuba aid and trade relationship, we assume that any cargo transported from the bloc to Cuba is composed, in whole or in part, of 'items of economic assistance' unless the contrary is shown. Thus, it appears that the Greek tankers in question carried cargoes proscribed by subsection (b) of section 107. However, subsection (b) requires termination of economic assistance in such a case only if the government of the aid recipient country 'permitted' the voyage to occur. In the case of the Greek tankers the voyages were all made in fulfillment of charter arrangements entered into prior to the effective date of the Appropriation Act."

"A factor, if not the determining factor, in deciding whether a country permitted a voyage is whether the country took any steps to prevent the voyage. Whether any particular preventive action is sufficient to excuse the country from responsibility under section 107 for the voyage, must be judged by the likelihood that such action will succeed. A country cannot be excused merely because it took token steps which could not reasonably be expected to prevent a voyage. Thus, the sole question in the case of the Greek tankers is whether section 107 required the Government of Greece to force termination of existing charters as the minimal preventive action sufficient to excuse that Government from responsibility for the voyage. In our opinion section 107(b) does not require such action."

"Charter parties are binding contractual obligations. There is little likelihood that shipowners would be relieved of liability to shippers under force majeure for breach of these charters had they been forced by the Greek Government to do so. Such action by the Greek Government, therefore, could in most cases have exposed shipowners to substantial liabilities. Section 107 must be interpreted in accordance with the basic principle of fairness which runs throughout U.S. law, that people should not be penalized for entering into contracts which fail to meet a legal standard if the contract is made before the legal standard is promulgated. Nothing in section 107—such as provision for indemnification of shipowners—indicates that Congress intended to depart from this basic principle and require aid recipient governments to take actions exposing their shipowners to substantial liabilities. No such intent, of course, can be attributed to general statements of the congressional desire to terminate aid recipient country shipping to Cuba."

"Moreover, the Greek Government, within 6 months of the passage of the appropriation act, issued a decree prohibiting carriage of cargoes to Cuba by any ships of Greek registry under charters concluded subsequent to the promulgation of the decree. This further demonstrates, in our view, that the Government of Greece did not 'permit' the voyages in question."

Section 107 of the act is applicable to countries which "permit" ships under their registry to engage in the proscribed carriage to Cuba. As stated in 70 C.J.S. permit, page 566, "permit" is not a technical word, and in English it has two significations, the first

being where the mind consents to the act, the second where the mind does not affirmatively agree to the act, but, having the right and the means to interfere to prevent it from transpiring, fails to do so. The second signification is applicable, in our opinion, to section 107 of the act and in order to obtain the benefits of foreign assistance it would seem to be incumbent upon an aid recipient country to promptly take steps to prevent ships of its registry from carrying proscribed shipments to Cuba. Further, the section is not concerned with liabilities that may be incurred by violations of charter parties but to precluding shipments of Battle Act items and economic assistance items through the penalty of termination of assistance, in the absence of a determination by the President, as provided in section 107(b), that termination would be contrary to the national interest. The administrative position that the Greek Government did not "permit" the voyages in question excuses a country from taking prompt action to protect its receipt of assistance in apparent disregard of the basic purpose of section 107.

The remainder of the administrative report concludes as follows:

"The second point raised in the inquiry relates to countries which trade with Cuba; a list of such countries covering calendar year 1962 is offered. The implication here is that under section 107(b) of the appropriation act continuation of this trade would require termination of assistance to these countries."

"Three of the countries can be excluded from consideration since they were furnished no assistance under the 1963 appropriation act. These countries are Canada, Sweden, and Switzerland. We are currently reviewing the situation with regard to Poland where the only assistance furnished is assistance to the children's hospital in Krakow, pursuant to section 214(b) of the Foreign Assistance Act of 1961. We will, of course, advise you of our disposition in this matter. As to the rest of the countries, despite extensive information received and collected from all the sources available to the U.S. Government, we have seen no evidence that, since the effective date of the appropriation act, an aid recipient country has extended economic assistance to Cuba or has sold or furnished Battle Act, title I, items to Cuba as prohibited by section 107(a). Indeed, our information indicates that to the extent there have been shipments of arms to Cuba they have been entirely from Communist bloc countries."

"Some aid recipient countries continue to trade with Cuba although the volume has decreased markedly: Cuban imports from the free world decreased from \$678.5 million in 1959 (Cuba's first year under Castro) to \$84.8 million in 1962. However, trade on nonconcessional terms does not constitute assistance."

"Several barter arrangements between aid recipient countries and Cuba have been examined carefully, but no evidence has been found to indicate they involved any extension of economic assistance to Cuba."

The foregoing does not appear entirely responsive insofar as ships under the registry of aid recipient countries are concerned, since it is only stated that there is no evidence that any aid recipient country has extended economic assistance to Cuba or has sold or furnished Battle Act, title I, items to Cuba. Our Office is not in a position to furnish information as to the cargoes carried by ships under registry of the countries concerned. It is noted from the administrative report that the situation with regard to Poland is currently under review.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

A partial list of free world ships that have engaged in the Cuban trade during

the months, March 1963 through October 9, 1963, and whose voyages originated in a Communist bloc country—thus setting up the presumption that they carried economic assistance to Cuba—follows:

NAME OF SHIP, CUBAN PORT, AND ORIGIN OF VOYAGE

GREEK SHIPS

Americana, Havana, April 27, 1963, Kherson, Soviet Union/Gibraltar, April 2, 1963.
Sirtus (tanker), Santiago, May 24, 1963, Black Sea port (not Istanbul).
Western Trader, Nuevitas, April, Rijeka, Poland, April 8, 1963.
North Queen, Havana, May 29, 1963, Odessa, Soviet Union.
Aegaeon, Cienfuegos, May 28, 1963, Black Sea port/Gibraltar, May 11.
Apollon, Mariel, June 4, 1963, Novorossiysk, Soviet Union/Gibraltar, May 22.
Aldebaran, Havana, June 13, 1963, Black Sea port, May 23, 1963.
Tina, Havana, July 1, 1963, China/Gibraltar, June 16, 1963.
Sirtus (tanker), Santiago, August 28, 1963, Black Sea/Gibraltar, August 17, 1963.
North Queen, Havana, September 21, 1963, Leningrad, Soviet Union, early September.
Apollon, Havana, September 24, 1963, Novorossiysk, Soviet Union, September 6, 1963.

LEBANESE SHIPS

Akamas, Havana, May 2, 1963, Novorossiysk, Soviet Union/Gibraltar, April 9.
Noemi, Preston, April 12, 1963, Gdynia, Poland/Kiel, Germany, March 22.
Giorgos Tsakiroglou, Havana, May 4, 1963, Gdynia, Poland/Kiel, Germany, April 11.
Malou, Havana, May 4, 1963, Black Sea/Gibraltar, April 17.
Astir, Havana, June 5, 1963, Shanghai, China/Suez, May 14.
San Spyridon, Cienfuegos, July 16, Haiphong, North Vietnam/Ceuta, June 20.
Vassiliki, Havana, August 26, Leningrad, Soviet Union, July 27, 1963.
Ilena, Cuba, July 28, Black Sea/Ceuta, July 12, 1963.
Oiga, Havana, October 8, Ventspil, Soviet Union, September 18.

WEST GERMAN SHIPS

Adolf Leonhardt, Havana, May 18, 1963, Red China.

Mr. Speaker, in addition to this partial list, there are several more instances both in these and other countries of free world ships in the Cuban trade carrying cargoes that originate in Communist bloc countries. Some of these countries, like Britain, Italy, and Norway, receive no economic assistance from the United States. Others do receive such assistance. It is difficult to obtain data on the origin of voyages that engage in the Cuban trade. It would be most helpful, I think, if the Congress requested the administration to include in the list published in the Federal Register the point of origin of each ship listed for each voyage to Cuba. In this way, the determination of whether a free world country has furnished, sold, or permitted ships under its registry to supply economic assistance to Cuba would be greatly facilitated.

Mr. GUBSER. Madam Speaker, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from California.

Mr. GUBSER. Madam Speaker, I thank the gentleman for yielding.

It is not my purpose to engage in debate with my colleague from California [Mr. EDWARDS], who has just left the well of the House. However, the gentleman's remarks clearly implied that I

used certain material in my speech to the House on last Wednesday which lacks credibility. The statement was made that the majority report of a committee of Congress which I referred to had not been filed with the Clerk of the House and could not be found in the Archives. I cannot allow this implication to stand without rebuttal.

Madam Speaker, in my speech as reported on page 19618 of the CONGRESSIONAL RECORD for October 16, 1963, I clearly and openly identified the source of my information as the CONGRESSIONAL RECORD for March 9, 1950. Madam Speaker, this RECORD can be found in the Archives and I might point out that the report is rendered by the majority of a Subcommittee on Education and Labor which investigated the DiGiorgio strike. I quoted directly from this report and I point out now that it was signed by the Honorable Richard Nixon, the Honorable THOMAS STEED, and the Honorable THRUSTON MORTON, a majority of a duly constituted subcommittee of Congress. No one can deny that a majority of this committee has signed a statement which enumerated the various falsehoods which Dr. Ernesto Galarza has perpetrated. I stand on what I have said in this matter; namely, that the majority of a duly constituted committee of Congress has said in writing that the film "Poverty in the Valley of Plenty" with which Dr. Galarza has admitted a connection, is, and I quote, "a shocking collection of falsehoods."

Madam Speaker, it should be further pointed out that much of the evidence presented in my statement was presented as direct quotation from the printed hearings of this subcommittee which investigated the DiGiorgio strike. At one point in my remarks I quoted the page number of the printed hearings, a volume which can be found in the Archives. The title of the volume is "Investigation of Labor-Management Relations" published in 1950.

Madam Speaker, I fairly represented the evidence in my speech of last Wednesday. I presented it for what it is and I truly believe that it constitutes a valid presumption that Dr. Galarza cannot be relied upon to make an objective investigation of this matter.

Mr. TALCOTT. Madam Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from California.

Mr. TALCOTT. Madam Speaker, I would like to say one more thing in regard to this investigation of the accident. I am pleased to report that Miss Corrine Huff of the Committee on Education and Labor of the House of Representatives has been to California and is making an investigation. Miss Huff was once "Miss Universe."

So, Mr. Speaker, we are having a very thorough investigation of this accident.

REPORT NO. 2: JAPAN

The SPEAKER pro tempore (Mrs. GREEN of Oregon). Under previous order of the House, the gentleman from Illinois [Mr. LIBONATI] is recognized for 60 minutes.

Mr. LIBONATI. Madam Speaker, at the invitation of the Secretary of the Army, Elvis J. Stahr, Jr., Representative Roland V. Libonati, Democrat, of Illinois, as chairman, member of the House Committee on the Judiciary; Representative John M. Slack, Jr., Democrat, of West Virginia; Representative George E. Shipley, Democrat, of Illinois, and Mr. George A. Urian, professional staff member of the House Committee on Appropriations, accompanied by Lt. Col. William D. Lynch, Department of the Army representative, visited several countries of the Orient, and Alaska, to study field operations, modernization, availability, training programs, including contributions of the services to the American image, the reaction of the people to American intervention and interest, the philosophical, historical, and social background of these states, together with a study of their economy, problems, and attitudes toward the Western nations.

We were well received and thoroughly briefed and documented on all phases of interest by the services. Among the experts addressing our group were the commanding general, U.S. Army, Japan, Maj. Gen. Jean E. Engler and his chiefs of staff; the commander, U.S. Forces, Japan, Lt. Gen. Jacob E. Smart, U.S. Air Force; the U.S. Ambassador, Hon. Edwin O. Reischauer; the chief, military assistance advisory group, Brig. Gen. J. M. Worthington, U.S. Army; and the Army attaché, Col. John C. Parker.

KYUSHU, SHIKOKU, HONSHU, AND HOKKAIDO

Japan proper, including small islands off her shores, has an area of 147,709 square miles. In the 19th and 20th centuries, Japan extended her rule over the Kurile, Ryukyu, Bonin, and Pescadores Islands, Formosa—Taiwan, Karafuro—Southern Sakhalin, Korea, and as a mandatory power after World War I over the Marianas, Caroline, and Marshall Islands—with these additions the Empire had a total of 263,050 square miles. Manchukuo which became a Japanese protectorate in 1932 was 503,013 square miles. At the height of the conquests in 1942, Japan held and controlled an area of 3,250,000 square miles with a population of 300 million. The population of postwar Japan was in excess of 73 million.

The four islands lying off the east coast of Asia are within the ranges of latitude similar to those of the eastern coast of the United States, from Maine to Georgia. Their total area is about that of California. The islands enjoy a temperate climate and are of great scenic beauty. The mineral resources are negligible. But the mountainous area—about 80 percent of the area—and heavy rainfall are natural resources for the development of abundant utility power. The land left for cultivation represents less than 20 percent of the entire area.

Japan is a democratic monarchy. The Emperor, a symbol of the past, and a bicameral elected Diet or Parliament. The latter, together with a cabinet responsible to the Diet, advise, direct, and control practically all legislative and executive power. The members of the Diet and thousands of local officials are elected by the people under universal suffrage. A

bill of rights protects the liberty of the people under the Constitution adopted in 1946—control of the Diet and Cabinet dominated for a period by the supreme commander for the Allied Powers called SCAP and the occupation services.

A few years ago, August 1945, Japan was ruled under a constitution, although modern in its concept was actually medieval in its language and spirit. The first article—adopted in 1889—of the Constitution proclaimed:

The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.

Every schoolchild was taught that the Emperor was divine—kami—and descended from the sun goddess, Amaterasu-o-mikami, whose great grandson, Jimmu Tenno, the first mortal Emperor of Japan, began his reign in 660 B.C. The Emperor was a being of worship—a god whose personal name—Hirohito—must not be spoken or given to any of his subjects. No one must look upon his person from a height above him. His pictures are banned on coins and stamps exposed to defilement. His photograph is held in holy reverence in a sacred place, and only to be exposed to the students on anniversaries by awe-stricken pupils. Veneration of the Emperor and belief in his divine origin were the core of state Shinto, Japan's official religion.

The Japanese people believed they were descended from gods of lesser illustrious importance than their Emperor. Their islands were considered the blessed abode of the divine. They believed that the Emperor was destined to become the ruler of the world. Hakko ichiu—"Eight corners under one roof"—was a slogan attributed to the first human Emperor, Jimmu Tenno, and revived in the 1930's. The eight corners were interpreted as East Asia, Greater East Asia, the world. The one roof was the Emperor and his government.

There is no question that many Japanese doubted this mythology. The first two decades of the 20th century reflected this skepticism as a result of scientific approach to the study of history and political science.

Professors, in their published works, either disregarded the myth entirely, or referred to the Emperor as the organ of government. Some even went so far as to assert that the Emperor derived his powers from the people.

But, in 1930, upon the birth of the militaristic control, books were suppressed, offending professors disgraced and attacked physically, belief in the myths was a test of loyalty.

As in the 1870's, the clever statesmen and military leaders revived the Emperor symbol to build up patriotism and use the power of that symbol to facilitate plans under the guise of being good for the state.

The history books are replete with references, over the centuries, in which the Emperor's power was nil, while the state was ruled by others; of rival Emperors from different branches of the imperial family; of Emperors deposed and assassinated; of Emperors in such dire poverty that their families could not pay for their burials. Yet, there always was an Emperor and he always came

from the same family—the Yamato line—sometimes by adoption, that no other official, however great his power, ventured to place himself on the imperial throne. Even in times of great eclipse of power and authority, Emperors lived in an aura of sanctity. Even in the tribal era, the chiefs of the Yamato tribe had convinced their neighboring chiefs and rivals that they had some special claim to respect.

There is no question that Japan has established a democracy simulating our own to the letter. Her people have embraced American customs, including dress and entertainment. Jazz and rock 'n' roll are the vogue. Our sport world, both in games and the fairplay demanded by fandom, have permeated the very spirit of the people. We have captivated the entire nation to our way of living and thinking—they are the Americans of the Orient and look to us to reestablish Japan as the ruling nation of the Orient. Their loyalty to the Western cause is unwavering and sincere. The appreciation of the Japanese—postwar—for the American aid given them in rebuilding cities and reorganizing a disrupted government, and the extension of credit and money to a bankrupt people in defeat, is deeply rooted.

Her entry into the circle of freedom-loving nations and, later, the official recognition in welcoming her officials in international affairs, have given the Japanese people confidence in their future and a feeling of pride in their recognized accomplishments.

The stability of her economy, the development of her meager resources and the present expansion of international trade, has gained for the Japanese people a high place among the prosperous and powerful nations of the world. It is predicted that in 5 or 10 years Japan will be the most powerful nation in Asia. The consensus among some of the strategists, who are toying with the idea that a new policy of our United States Government may be resolved—in the not-too-distant future—to appoint Japan as a coprotectorate nation over its interests in several lands now policed or militarily advised, and supported economically, by the United States that are of Japanese derivative lineage.

Japan, a confirmed ally of the United States if when it becomes the dominant nation in influence and power for peace, could be trusted with this responsibility under the supervision and control of our Government. To be sure, her present change of the philosophy of government must be impressed upon the populace of those countries that have experienced the heavy, militaristic hand of the proselyting Japanese war lords of past history, who at some time or other, and recently, were subject to sanguine experiences at their hands. Japan has won her right to merit the respect and friendship of our Nation.

Compared to the new Constitution, the Emperor, perhaps, reigns but does not govern, nor is there any assertion that his line is "unbroken for ages eternal." He shall be the symbol of the state and of the unity of the people, deriving his position from the will of the people, with

whom resides the sovereign power. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state and the Cabinet must be responsible therefor. The Emperor shall perform only such matters of state provided for in the Constitution and he shall not have powers related to the government.

He enjoys the power purely ministerially and, after approval of the Cabinet or Diet, the apportionment of Chief Judge—Supreme Court, promulgation of laws, treaties, constitutional amendments, etc., convenes the Diet; dissolves the House of Representatives; proclaims general elections; attests appointments and dismissals, amnesties, and commutation of punishments; awards honors; receives foreign ambassadors and ministers, and performs the functions of a formal and ceremonial character. He does nothing without the approval of the Cabinet, and the Cabinet is responsible to the Diet not to the Emperor.

Succession to the throne is subject to regulation by the Diet. All property of the imperial household rests in the state. He cannot give or receive gifts without the sanction of the Diet.

Japan, a nation in transition, has expanded her trade relations with many nations and has passed through the development phase as a semiadvanced country to a modernized industrial nation.

The Government has used its influence to advance business and industrial mergers in order to reduce costly internal competition and inefficiency and thus be better able to meet the competitive prices of the nations of the world.

Her recent decision to accept the invitation to join the Organization for Economic Cooperation and Development places her presently protected industries in competition with those of other nations. Her trading nations demand the liberalization of her import policies.

Her present trade expansion program includes the Communist bloc, Western Europe, and South America. A group of Japanese bankers and industrialists have visited the nations comprising the European Common Market and the European Free Market Association. The negotiations considered the reducing of their restrictions on Japanese goods. The Japanese Government, on August 30, 1962, removed exchange controls on 35 categories of goods—a strong bargaining point for successful results.

The following nations hold restrictions on imported Japanese goods: France, 84 items; Italy, 92 items; and West Germany, 28.

The Common Market countries, France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg, are preparing a uniform policy for trade with Japan, and the importance of reducing these items of restrictions is evident before the joint formula is determined.

Japanese trade with Western Europe is increasing. Its entry in OECD added to its prestige in being a member of an organization of the advanced industrial nations of Europe and North America. There are, to be sure, problems and inevitable disadvantages—but she has been

singled out as a qualified member nation industrially important.

Japan in its trade problems with the United States is alerted to the terrific impact upon American industry such as textile, rubberized goods, toys, radios, cameras, and so forth. The tariff negotiations in Geneva were somewhat disappointing to the expectations of the Japanese delegates.

Tariff cuts effect heavy industry and chemicals, and slashes in agricultural duties upsets the rural economy. Yet Japan committed to the principle of freer trade approved across the board tariff cuts. The protests at the industrial level are that great hardships would be the result of unfavorable negotiation, requiring changes adverse to local industry.

The President's proposal of an interest-equalization tax by U.S. citizens on

purchases of foreign securities caused great concern in business circles.

The treatment accorded Japan on the U.S. negotiations at the Government and commercial levels have forced the Japanese to promote other export outlets.

The need for credit is unlimited—the need for raw materials to produce and export manufactured products means survival of prosperity.

The Japanese are intelligent, honest and laborious in their work. They are worthy of credit. The economy must rely on their export trade to pay for food, clothing, and raw material. The problem of keeping the total cost, including labor, within the range of competitive foreign products is of paramount importance.

Thus, salaries are not in conformity with those of the United States. A

young high school graduate starts out at a salary of \$500 per year; college graduate, \$650. Small increases are given from time to time in the nature of bonuses—equal to about 3 to 7 months pay. The president of the bank receives \$3,000 per year and with bonuses and other fringe benefits—amounting to another \$3,000.

Pensions are important in that every employee must retire at 55 years of age.

The stability of the Japanese is nurtured by their traditional respect of custom, their realistic acceptance of the economic problems, and the wonderful social norms of respect, loyalty, and warmth of feeling toward family and one another in their employments and contracts.

We must do everything to aid Japan in becoming the most powerful nation of the East Asian countries.

Summary statement and forecast of Japanese basic balance of payments, 1957-62

[In millions of dollars]

	1957	1958	1959	1960	1961	Estimate, 1962
Trade balance.....	-553	372	271	147	-932	275
Service balance.....	169	139	68	-36	-153	-170
Current account.....	-384	511	339	111	-1,085	105
Net long-term capital.....	1-10	1-90	1-27	2	162	225
Basic balance of payments.....	-394	601	312	113	-923	330
Reserves at end of year.....	524	861	1,322	1,824	1,486	*1,805

* Fiscal years; calendar years not available.

* As of Oct. 31, 1962.

Nov. 15, 1962.

Components of the Japanese current account

[Dollar amounts in millions]

	1957	1958	1959	1960	1961	Estimate, 1962
Exports.....	\$2,914	\$2,841	\$3,280	\$3,874	\$3,992	\$4,750
Percent change.....	-2.6	15.5	18.1	3	19	
(AID).....	(128)	(101)	(111)	(147)	(74)	(8)
Invisibles.....	698	600	634	714	784	820
(U.S. forces).....	(449)	(404)	(378)	(413)	(389)	(390)
Total receipts.....	3,612	3,441	3,914	4,588	4,776	5,570
Imports.....	3,467	2,469	3,000	3,727	4,924	4,475
Percent change.....	-28.8	21.9	23.7	32.1	-9.9	
Invisibles.....	529	461	566	750	937	990
Total payments.....	3,996	2,930	3,575	4,477	5,861	5,465
Current account balance.....	-384	511	339	111	-1,085	105

Nov. 15, 1962.

Special dollar receipts of Japan

[Millions of U.S. dollars]

	1961	1962 (Jan.-June)
Official expenditures:		
Goods.....	126.7	44.7
Trucks.....	61.7	23.5
Cement.....	.3	.3
Shoes (jungle).....	.8	.6
Truck parts.....	8.0	2.9
Food.....	10.5	4.5
Textiles.....	1.0	.4
General machinery.....	.8	.7
Electric machinery.....	2.3	.8
Optical instruments.....	2.5	1.0
Others.....	38.8	10.0

Source: Disbursing officer, U.S. Forces, Japan, Aug. 31, 1962.

Bilateral balance of payments between Japan and the United States

[In millions of dollars]

	Trade balance		Service balance		Donations	Current account balance	Long-term capital	Balance of payments
	Total	(AID)	Total	(U.S. forces)				
1951.....	-368.0		599	(580.0)	168	399.0	26.0	425.0
1952.....	-389.0		681	(740.0)	-10	282.0	51.0	333.0
1953.....	-408.0		727	(772.0)	17	336.0	6.0	342.0
1954.....	-445.0		487	(574.0)	-6	36.0	50.0	56.0
1955.....	-114.0	(70)	431	(501.0)	34	351.0	15.0	366.0
1956.....	-197.0	(123)	418	(483.0)	36	257.0	84.0	341.0
1957.....	-472.0	(128)	358	(449.0)	34	-50.0	43.0	-37.0
1958.....	-102.0	(101)	333	(404.0)	39	270.0	82.0	374.0
1959.....	190.0	(111)	269	(378.0)	33	492.0	19.0	244.0
1960.....	-71.0	(147)	251	(413.0)	45	225.0	19.0	274.0
1961.....	-591.0	(74)	133	(339.0)	50	-408.0	218.0	-190.0
Total.....	-2,967.0	(754)	4,687	(5,683.0)	440	2,160.0	651.0	2,811.0
Average.....	-269.7		426	(516.6)	40	196.4	69.2	255.5

Prepared by Prof. Kiyoshi Kojima, of Kitotsubashi University, Nov. 1, 1962.

Special dollar receipts of Japan

[Millions of U.S. dollars]

	1961	1962 (January-June)
Official U.S. Government expenditures.....	242.8	102.6
Goods.....	126.7	44.7
Services.....	116.1	57.9
Quasi-official organization expenditures (base exchanges, clubs, messes, etc.).....	74.4	40.1
Individual yen purchases.....	59.6	30.9
Total.....	376.8	173.6

Source: Disbursing officer, U.S. Forces, Japan, Aug. 31, 1962.

Special dollar receipts of Japan

[Millions of U.S. dollars]

	1961	1962 (Jan.-June)
Official expenditures:		
Services.....	116.1	57.9
Labor cost.....	52.8	28.5
Electricity.....	1.9	2.0
Telephone and telegraph.....	25.0	11.0
Railroad.....	1.9	1.0
Bus and trucking services.....	2.5	1.4
Aircraft repair.....	1.1	.6
Technical services.....	1.7	1.1
Furniture repair.....	1.2	.4
Construction.....	18.0	6.3
Loading and unloading.....	1.8	1.0
Warehousing services.....	1.2	.6
Others.....	7.0	4.0
Grand total.....	242.8	102.6

Source: Disbursing officer, U.S. Forces, Japan, Aug. 31, 1962.

Mr. Speaker, upon our arrival in Japan we were briefed, on MAAG, at the organization and operation level, by the commanding general, U.S. Army, Japan, Maj. Gen. Jean E. Engler. Further, the general and his chiefs of staff covered the entire phase of the development of Japan's postwar advances in industry and reorganized government operation under the new constitution.

Also, the great contribution of the Japanese people and their leaders to give strength to cooperation and support of the American forces in East Asia and the Far East. The expansion of improved communications installations throughout the land with mutual cooperation. The prevention of the pilfering of U.S. property and supplies of the U.S. forces stored in warehouses; the checkmate inventories of parts and materiel to prevent the scandal of overstocked stockpiles again, and the regulation control over inventoried supplies needed at other depots which, heretofore, remained unnoticed in stock at center storehouses—utterly forgotten, through gross negligence, resulting in surplus reorders—a costly waste of money and loss of time awaiting delivery. These reforms resulted in the saving of millions of dollars in transportation costs alone. We, further, saved millions in entering into contracts with the Japanese for machine and heavy units, and autos, trucks, heavy armament, and so forth. Just the costs of shipping the same from the United States, that is, Detroit, Mich., and so forth, would double the cost of each unit—mainly due to the freight costs because of the great distance of the haul, together with the cost of handling, to say nothing of the long delay of shipment by land and sea.

Also, the advantages to the services in the technical training of the native, in mechanics as well as other vocations, and the needed stimulation to the Japanese economy. He spoke of the building of a strong Japanese army, navy, marine, and air force—through field adviser instructors and academic instruction. The instituted non-com school for instruction in field operations, military tactics in the field, and the conduct of modern warfare. A discussion of our military officers and personnel in their conduct toward the natives. Our servicemen are carefully selected, by type, to carry the message of the United States to every individual, of our reason for being there. By display of personal friendliness and cooperation, and interest in their problems. It is the showing of cooperative interest in their welfare, and the sincere manifestation of the protection of their nation, together with the freedom of their institutions and liberties that they accept us. We, as representatives of a sympathetic nation, serving in a capacity of high trust at the request of the Secretary of the Army, reflected in our every action the great respect for the privilege and honor of meeting and conferring with high officials of the Japanese Government, our friends in the common cause of freedom.

Mr. Speaker, the United States has no ally more dedicated to the American philosophy of life than Japan. Its peo-

ple, from the very beginning, have accepted their lot as a conquered foe. Her leaders accepted the policy of total disarmament.

But, when the Korean war started—June 25, 1950—a change in this policy became necessary to relieve the U.S. forces stationed in Japan for their required entry of the combat zone.

Gen. Douglas MacArthur, supreme commander of the Allied Powers, in his letter to Prime Minister Shigeru Yoshida, authorized the Japanese Government to establish a national police reserve of 75,000 men, and further to expand the number of personnel serving under the maritime safety board by an additional 8,000 in order "to maintain peace and order and safeguard the public welfare."

Concurrently with the establishment of the national police reserve, the United States established its first advisory and assistance again to Japan.

Gen. Whitfield P. Shepard commanded the civil affairs section annex—CASA—fulfilled the requirement of recruiting, uniforming, equipping, billeting, and supplying the national service reserve in 60 days in order to facilitate the deployment of the U.S. combat forces in Japan to Korea. Furthermore, it all had to be implemented in the face of the depleted economic situation in postwar Japan. CASA gave NPR major assistance in overcoming the extensive procurement and supply problems.

Japan realized after gaining her independence—April 28, 1952, San Francisco Peace Treaty—and also under a simultaneously concluded joint United States-Japan security treaty that she must increasingly "assume responsibility for its own defense against direct and indirect aggression."

The national police reserve was renamed the national safety force, August 1, 1952. It differed from the NPR in that it coordinated the two services and its mission was changed to that of coping with outside aggression and was increased from 75,000 to 110,000 men.

Simultaneously, the U.S. advisory organization underwent changes: The civil affairs section annex was discontinued April 28, 1952, and its functions, as adviser and assistance to NSF, were transferred to the security advisory section, Japan, of the Far East Command, now quartered in Tokyo at the former home of the Imperial Army's Third Azabu Regiment.

On December 31, 1952, the security advisory section, Japan, was redesigned as the safety advisory group, effective January 1, 1953. This organization is now a major command, with headquarters located in Hokkaido, Kyushu, Kinki, and Kanto. The personnel consists of 700 military and 900 civilians.

It was expanded to include, first, advice and assistance; second, supply of military equipment; third, training of national safety force in Japan and dispatch of selected personnel to training schools in the United States; fourth, coordination of certain portions of the offshore procurement program; and fifth, control of supplies and materiel provided by the United States.

Japan's defense forces entered a new phase of their development—July 1954—under new laws establishing the defense agency and the ground marine, and air self-defense forces.

The latter, in order to protect the peace and independence of our country and to safeguard its security, shall have as their principle mission the defense of our country against both direct and indirect aggression and will take steps, whenever necessary, to maintain peace and order.

This resulted in a change in the U.S. Advisory Organization, in order to better support the newly created ASDF. The safety advisory group, Japan, was redesigned May 13, 1954, the military assistant advisory group, Japan.

The basic organization of MAAG has remained the same since its formation.

The office of chief of MAAG, composed of members of all three services, with a mission of working closely to the joint staff council and the various bureaus of the Japan Defense Agency. Three service section agencies utilize a similar counterpart system in maintaining close work relationship with their opposites in the Japan self-defense forces.

The mission of MAAG, Japan, has been to further U.S. foreign policy for the defense of the free world in the Far East, by assisting the Government of Japan to organize, equip, train, and maintain a force of sufficient military strength to protect her from internal aggression and to assist in the defense against external aggression.

To this end, MAAG, Japan, functions include—

The programming for equipment and training of the self-defense forces.

Advising on defense matters as requested by the Government of Japan.

Reporting to the Department of Defense on the utilization of equipment provided, and the personnel trained, under the military assistance program.

In carrying out these functions, the chief of MAAG, Japan, serves two Departments of the U.S. Government: State and Defense. For matters of primary interest to the Department of State, the chief of MAAG, Japan, is directly responsible to the U.S. Ambassador, who exercises supervision over the MAAG to the extent provided by law and in accordance with Executive orders.

As a member of the Ambassador's country team, the chief of MAAG, Japan, is charged with providing the Ambassador with such information concerning military assistance matters as he may require in exercising general direction and control of the mutual security program in Japan, and with keeping the Ambassador fully informed concerning current and prospective military assistance plans and programs and MAAG activities.

For matters of primary interest to the Department of Defense, the chief of MAAG, Japan's chain of command is through the commander in chief, Pacific—CINCPAC, to the Department of Defense. While the commander, U.S. Forces, Japan, is not in the MAAG chain of command, he is a member of the country team and, as the senior military

commander in Japan, is charged with the defense of Japan. Therefore, he is vitally interested in the status of the Japanese self-defense forces and the United States and Japanese plans and programs for the further development, growth, and increased effectiveness of that force. A very close relationship endures between his staff and MAAG, Japan.

During the course of its existence as MAAG, Japan, the headquarters was located first at New Hardy Barracks, former site of the Japanese Imperial Army's 1st Regiment. In November 1959 it shifted to its present location at Camp Ichigaya—formerly Pershing Heights. Location at Camp Ichigaya places MAAG, Japan, in the same compound with headquarters, eastern army; joint services staff college; ground self-defense forces staff school; maritime self-defense force staff school; air self-defense force staff school; 32d Infantry Regiment.

It also locates MAAG, Japan, in close proximity to the Japan Defense Agency, Japan self-defense force staff officers, and the Japanese Government ministries and agencies.

Chief brigadier general, U.S. Army, J. M. Worthington, in his salutary greeting:

MAAG, Japan, welcomes this opportunity to brief you on various aspects of its operations, problems, and overall accomplishments.

The camp to which you have come today is a part of what, for 64 years, was the Imperial Army Military Academy. Subsequently, it became the Grand Imperial Headquarters, Imperial Army. After the war the demobilization bureau used it and the International War Crimes Tribunals were held here. The United States eventually located its headquarters, Far East Command and United Nations Command, within this compound. And now it is shared by MAAG, Japan, and several organizations and units of the three Japan self-defense forces.

The transition in the use of these facilities since 1871 is symbolic. It reflects Japan's growth as a modern power, followed by a tragic war with an equally tragic aftermath; then a period of reconstruction and rehabilitation; and, finally, the development of Japan as an important ally.

It is in this latter period of molding Japan into a strong ally that MAAG, Japan, has been making a contribution to defense of the free world. We have done our utmost "to further the policy of the United States for the defense of the free world in the Far East by assisting the Government of Japan in organizing, training, and equipping its defensive forces in sufficient military strength to defend Japan against internal or external aggression; we are insuring that Japan's obligations under the Security Treaty with the United States are met."

We are looking forward to the day when these facilities will be exclusively occupied by the Japan self-defense forces, since this will be symbolic of the completion of the mission of MAAG, Japan, and the coming of age of Japan's postwar military effort.

Mr. Speaker, the military assistance advisory group, Japan, chiefs briefing our group were the following illustrious and proved military leaders:

Chief, Brig. Gen. James M. Worthington, U.S. Army, since May 1, 1962.

Chief, Army section, Col. George C. Dalia, U.S. Army, since May 1, 1962.

Chief, Navy section, Capt. Hugh I. Murray, U.S. Navy, since March 30, 1962.

Chief, Air Force section, Malcolm A. Moore, U.S. Air Force, since May 9, 1962.

As indicated by the foregoing U.S. efforts to make Japan strong, the future of Japan as the ruling nation in East Asia lies within the decision of the United States, to continue to foster and promote her future before she assumes a role of power among Asian nations. But, it is also true that Japan must remove all doubts of her sincerity, by maintaining and conforming to the strict mandates of her Constitution as a democracy and the protection of the rights of all of the free people and the freedom of the democracies of the world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER (at the request of Mr. LIBONATI), for today, on account of official business.

Mr. GURNEY (at the request of Mr. HARSHA), for today and tomorrow, Tuesday, October 22, 1963, on account of official business.

Mrs. RED of Illinois, for October 24, 1963, through November 4, 1963, on account of official business, having been designated by the Speaker to attend the international trade negotiations in Geneva, Switzerland, for the Committee on Interior and Insular Affairs.

Mr. BURTON, for October 24 through November 12, 1963, on account of official business, having been designated by the Speaker to attend the international trade negotiations in Geneva, Switzerland, for the Committee on Interior and Insular Affairs.

Mr. WHITE, for October 23 through November 12, 1963, on account of attending the International Lead-Zinc Study Group meeting at Geneva, Switzerland.

Mr. FALLON (at the request of Mr. GARMATZ), for today through October 24, 1963, on account of official business.

Mr. WATSON (at the request of Mr. ASHMORE), for today, on account of official business.

Mr. MULTER (at the request of Mr. FARBERSTEIN), for week of October 21, 1963, on account of official business.

Mr. RYAN of New York (at the request of Mr. FARBERSTEIN), for week of October 21, 1963, on account of illness.

Mr. STEED (at the request of Mr. ALBERT), for today and the balance of the week, on account of official business.

Mr. KEOGH (at the request of Mr. FARBERSTEIN), for today and the balance of the week, on account of official business.

Mr. STUBBLEFIELD (at the request of Mr. NATCHER), for 10 days, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LAIRD, for 20 minutes, today, and to include extraneous matter and tables showing the traffic in goods between Communist nations and Cuba in free world bottoms.

Mr. LIBONATI (at the request of Mr. ALBERT), for 1 hour, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BOLAND and to include extraneous matter.

Mr. FINO and to include extraneous matter.

(The following Member (at the request of Mr. HARSHA) and to include extraneous matter:)

Mr. ALGER.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. HEBERT.

Mr. O'NEILL.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 283. An act to amend the Small Reclamations Project Act of 1956; to the Committee on Interior and Insular Affairs.

S. 979. An act to amend section 332 of title 28, United States Code, in order to provide for the inclusion of a district judge or judges on the judicial council of each circuit; to the Committee on the Judiciary.

S. 1543. An act to repeal that portion of the act of March 3, 1893, which prohibits the employment, in any Government service or by any officer of the District of Columbia, any employee of the Pinkerton Detective Agency or any similar agency, and for other purposes; to the Committee on Government Operations.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. BURLERSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7195. An act to amend various sections of title 23 of the United States Code relating to the Federal-aid highway systems; and

H.R. Res. 192. Joint resolution relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLERSON, from the Committee on House Administration, reported that that committee did on October 17, 1963, present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 7544. An act to amend the Social Security Act to assist States and communities in preventing and combating mental retardation through expansion and improvement of the maternal and child health and crippled children's programs, through provision of prenatal, maternity, and infant care for individuals with conditions associated with childbearing which may lead to mental retardation, and through planning for compre-

hensive action to combat mental retardation, and for other purposes; and
H.J. Res. 724. Joint resolution to provide additional housing for the elderly.

ADJOURNMENT

Mr. HECHLER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Tuesday, October 22, 1963, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1308. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 11, 1963, submitting a report, together with accompanying papers, on an investigation concerning cost sharing of the Calcasieu River salt water barrier in response to an item in section 101 of the River and Harbor Act approved October 23, 1962. (H. Doc. No. 169); to the Committee on Public Works and ordered to be printed.

1309. A letter from the Comptroller General of the United States, transmitting a report on the improper inclusion of Melan Bridge costs in the cost of the Keyway slum clearance and urban renewal project, Topeka, Kans., by the Urban Renewal Administration, Housing and Home Finance Agency; to the Committee on Government Operations.

1310. A letter from the Comptroller General of the United States, transmitting a report on the need for better controls over manpower utilization and other aspects of the buildings management activities under the Public Buildings Service, General Services Administration, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

1311. A letter from the Comptroller General of the United States, transmitting a report on deficiencies and problem areas relating to design and construction activities of the Federal aid highway program in the State of Nebraska, as administered by the Bureau of Public Roads, Department of Public Roads, Department of Commerce, pursuant to the Budget and Accounting Act, 1921 (30 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

1312. A letter from the Administrator, Federal Aviation Agency, transmitting a report of the commissary and messing facilities operations for fiscal year 1963, pursuant to (63 Stat. 907); to the Committee on Interstate and Foreign Commerce.

1313. A letter from the Acting Chairman, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases in the Federal Communications Commission as of August 31, 1963, pursuant to section 5(e) of the Communications Act as amended; to the Committee on Interstate and Foreign Commerce.

1314. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation, entitled, "A bill to authorize the disposition of certain property at Hot Springs National Park, in the State of Arkansas, and for other purposes"; to the Committee on Interior and Insular Affairs.

1315. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation, entitled, "A bill to provide for the establishment of the Indiana

Dunes National Lakeshore, and for other purposes"; to the Committee on Interior and Insular Affairs.

1316. A letter from the Assistant Secretary of the Interior, transmitting a proposed amendment to the concession contract with Overton Resort, Inc., for services at Overton Beach in Lake Mead National Park Service, in accordance with the act of July 31, 1953 (67 Stat. 271), as amended by the act of July 14, 1956 (70 Stat. 543); to the Committee on Interior and Insular Affairs.

1317. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation, entitled, "A bill for the relief of Maj. Victor R. Robinson, Jr., U.S. Air Force"; to the Committee on the Judiciary.

1318. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation, entitled, "A bill for the relief of certain employees of the Bureau of Indian Affairs"; to the Committee on the Judiciary.

1319. A letter from the Secretary of the Navy, transmitting a report on the settlement of claims during the fiscal year 1963, beginning July 1, 1962, and ending June 30, 1963, pursuant to section 2673 of title 28, United States Code, also under section 2672 of such title; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of October 16, 1963, the following bill was reported on October 18, 1963:

Mr. MILLS: Committee on Ways and Means. H.R. 8821. A bill to revise the provisions of law relating to the methods by which amounts made available to the States pursuant to the Temporary Unemployment Compensation Act of 1958 and title XII of the Social Security Act are to be restored to the Treasury; with amendment (Rept. No. 860). Referred to the Committee of the Whole House on the State of the Union.

Under clause 2 of rule XIII, pursuant to the order of the House of October 17, 1963, the following bill was reported on October 18, 1963:

Mr. POWELL: Committee on Education and Labor. H.R. 8720. A bill to amend the Manpower Development and Training Act of 1962; without amendment (Rept. No. 861). Referred to the Committee of the Whole House on the State of the Union.

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS: Committee of conference. S. 1576. A bill to provide assistance in combating mental retardation through grants for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction and initial staffing of community mental health centers, and for other purposes; placed on the calendar (Rept. No. 862). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 8864. A bill to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for

other purposes; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 8865. A bill to correct and improve the Canal Zone Code, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DEL CLAWSON:

H.R. 8866. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I and their widows and dependents; to the Committee on Veterans' Affairs.

By Mr. FULTON of Pennsylvania:

H.R. 8867. A bill to amend the Fair Labor Standards Act of 1938, as amended; to the Committee on Education and Labor.

H.R. 8868. A bill to amend chapter 15 of title 38, United States Code, to liberalize the basis on which pension is payable by providing that public or private retirement payments shall not be counted as income and that the income of the spouse shall be disregarded in the determination of annual income of a veteran; to eliminate the "net worth" eligibility test; and to repeal the requirement of reduction of pension during hospitalization for veterans with dependents; to the Committee on Veterans' Affairs.

By Mr. PUCINSKI:

H.R. 8869. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. RAINS:

H.R. 8870. A bill to amend the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

By Mr. TAFT:

H.R. 8871. A bill to amend the Davis-Bacon Act to require the establishment of special wage rates for apprentices, student-learners, and other trainees in on-the-job training programs; to the Committee on Education and Labor.

By Mr. FASCELL:

H.J. Res. 778. Joint resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor; to the Committee on Foreign Affairs.

H.J. Res. 779. Joint resolution to amend the joint resolution of January 28, 1948, relating to membership and participation by the United States in the South Pacific Commission, so as to authorize certain appropriations thereunder for the fiscal years 1964 and 1965; to the Committee on Foreign Affairs.

By Mrs. GREEN of Oregon:

H. Con. Res. 225. Concurrent resolution relative to planning for peace; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL:

H.R. 8872. A bill for the relief of Saverino Ferrari; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 8873. A bill for the relief of Fritz Tasch; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 8874. A bill for the relief of Marco Yedid, his wife, Clara Yedid, and their daughter, Fortunata Yedid; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 8875. A bill for the relief of Antonio Pereira; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 8876. A bill for the relief of Estela Banaszewska; to the Committee on the Judiciary.

H.R. 8877. A bill for the relief of Helen Castro Dionisio; to the Committee on the Judiciary.

By Mr. RICH:

H.R. 8878. A bill for the relief of Caroline G. Junghans; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 8879. A bill for the relief of Maryellen Boone; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 8880. A bill for the relief of Mrs. Joanna Ryten Zund; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

377. By the SPEAKER: Petition of the supreme recording secretary, Order Sons of Italy in America, Philadelphia, Pa., petitioning consideration of their resolution with reference to the enactment of legislation pertaining to aid to education; to the Committee on Education and Labor.

378. Also, petition of the president, Association to Acquire Compensation for Damages Prior to Peace Treaty, Naha, Okinawa, petitioning consideration of their resolution with reference to an expeditious solution of the problem of compensation for damages sustained by the people of the Ryukyu Islands prior to the peace treaty; to the Committee on Foreign Affairs.

379. Also, petition of Steven Douglas Hughes, Salem, Oreg., with reference to creating a position of Delegate of the territory of Guam as a nonvoting Member of the House of Representatives; to the Committee on Interior and Insular Affairs.

380. Also, petition of the president, National Council of Women of the United States, Inc., New York, N.Y., petitioning consideration of their resolution with reference to pledging renewed efforts in the promotion of human rights in our country; to the Committee on the Judiciary.

381. Also, petition of the president, the American Institute of Architects, petitioning

consideration of their resolution to the proposal to extend the west front of the National Capitol; to the Committee on Public Works.

382. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to reporting monthly total employment figures of all nonsecret Federal agencies; to the Committee on Appropriations.

383. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to passing legislation immediately seating a nonvoting, popularly elected Delegate from the District of Columbia to the U.S. House of Representatives, also legislation giving said District as many U.S. Representatives as its population warrants; to the Committee on the District of Columbia.

384. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to providing for a suitable memorial to Tom Paine; to the Committee on House Administration.

385. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to providing for a suitable memorial to Charles Willson Dorr, of Rhode Island; to the Committee on House Administration.

386. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to a popularly elected nonvoting Delegate to the House of Representatives from the various territories and possessions; to the Committee on Interior and Insular Affairs.

387. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to legislation that would provide for a nonvoting Delegate to the U.S. House of Representatives from the Virgin Islands, from the Panama Canal Zone, and from America Samoa; to the Committee on Interior and Insular Affairs.

388. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to passing legislation providing for a nonvoting, popularly elected Delegate to the U.S. House of Representatives from the American-occupied Ryukyu Islands; to the Committee on Interior and Insular Affairs.

389. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to

providing for the study of epileptics confined to State hospitals; to the Committee on Interstate and Foreign Commerce.

390. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to urging legislation to provide for not more than 20 new metropolitan city-States; to the Committee on the Judiciary.

391. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to at large congressional districts; to the Committee on the Judiciary.

392. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to the provisions of article IV, section 4, clause 1, of the U.S. Constitution, and violations thereof in the various States, and citing an Ohio case as an example; to the Committee on the Judiciary.

393. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to liquidation of the Tennessee Valley Authority; to the Committee on Public Works.

394. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to the method of voting on appropriation bills; to the Committee on Rules.

395. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to making a study of certain activities in the U.S. Coast Guard; to the Committee on Rules.

396. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to the method of selection of membership in the standing committees in the U.S. House of Representatives; to the Committee on Rules.

397. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to Congress providing funds for a study of "why Americans of Irish descent apparently can take 'hobnobbing around' without apparently evidencing any defects, mental or physical, which seem to attract themselves to all others 'on the bum' or euphemistically 'hobnobbing around'"; to the Committee on Rules.

398. Also, petition of Henry Stoner, Old Faithful Station, Wyo., with reference to passing legislation abolishing the oil depletion allowance in computing the Federal income tax of those concerned; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

No. 18—West Virginia: The Gamblers' Paradise

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1963

Mr. FINO. Mr. Speaker, today, I would like to tell the Members of this House, more particularly the congressional delegation from the State of West Virginia, about the billion dollar tax-free gambling business in that State.

Last year, the parimutuel turnover in West Virginia hit \$91 million from which the State derived almost \$6 million in revenue. But this was only a small part of the action. Illegal gambling was the real big action.

Off-track betting alone, on the basis of the estimates presented to the McClellan committee, reached a level of more than \$500 million in 1962. This figure must be doubled in order to ascertain the sum total of all kinds of illegal

gambling in West Virginia. It can be estimated that illicit gambling in that State stands at a billion dollars a year.

The gambling syndicates, Mr. Speaker, hang on to about 10 percent of this loot as gross profit—\$100 million. Money that could be used to rebuild West Virginia's sagging economy is being sucked into gangster coffers because of the hypocritical ignorance of those who refuse to recognize the natural gambling urge of the people. Part of these profits go to corrupt law enforcement and governmental process.

The moralist contingent has been the greatest benefactors of the State's underworld gravy train—just as the blue-nose prohibitionists were the gullible patsies of the bootleggers.

I wonder if the West Virginia congressional delegation is aware of the extent to which their State's economy is being bled for the comfort of the vice lords? Many millions of dollars gambled and lost which should go into the State's treasury wind up lining hoodlum pockets.

Mr. Speaker, only a Government-run lottery can strike a lethal blow at or-

ganized crime. Government control and regulation of gambling would cut deeply into this illicit activity so that States like West Virginia would cease to be looting grounds for the mob.

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1963

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of October 19, 1963:

WASHINGTON REPORT: THE GRIM WORLD OF THE BROTHERS WONDERFUL
(By Congressman BRUCE ALGER, Fifth District, Texas)

Failure, broken promises, doubletalk, evasion, confusion, are the key words which describe the record of the Kennedy admin-

istration in its first 3 years in power in what has been summed up as "the grim world of the brothers wonderful." A recitation of the sorry record makes it clear President Kennedy does not understand, or chooses to ignore, the Communist conspiracy to rule the world, and on domestic issues, does not understand our private enterprise system, capitalism, or is doing his best to change it for a planned society directed from Washington.

FAILURES

1. Cuba: Dating from the Bay of Pigs fiasco, Soviet domination of Cuba has been strengthened. Subversion and sabotage throughout South America with Cuba as a base, has increased.

2. Latin America: Although millions of dollars of American taxpayers' money have been poured into Latin America through the Alliance for Progress, American prestige continues to drop and the danger of Communist takeover has increased. Six Latin American governments have been overthrown since the disaster of the Bay of Pigs—Argentina, Ecuador, Peru, Guatemala, Honduras, and the Dominican Republic.

The administration has expressed alarm, dismay, and exhibited more than a little bit of confusion, each time such a government has fallen. It is becoming increasingly clear that the Kennedy administration does not fully comprehend exactly what there is to be alarmed and dismayed about. They do not understand that the instability of many of these governments has been caused by the ruthless campaign conducted by Moscow through Havana to seize power in every Latin American nation. In these circumstances, it is not surprising that men decide that weak and unstable governments lead inevitably to Communist chaos and must therefore be overthrown before they are determined by the Communists.

3. Despite solemn reassurances by the administration, the fear of possible devaluation of the dollar continues to be very real as our balance-of-payments situation worsens and there is increased pressure on our gold supply.

4. Violence, heartbreak, and finally murder have been the results of the Kennedy efforts to use the civil rights issue for political expediency.

5. On the economic front Federal spending is running wild with bigger and bigger deficits, a record-breaking public debt, and a tax bill which is going to cause disillusionment for every taxpayer.

Omnibus is the word for the New Frontier—something for everyone. The tragedy is that the people must pay for the failures and the experiments—pay in increased taxes, chaos, perhaps war, and eventually with our freedom.

STRANGE POLICIES

1. Giving respectability to the enemy: As Columnist Henry J. Taylor points out, we have given Tito, an artful, two-faced con man, \$3.2 billion of the taxpayers' money, in spite of his record, one of doubledealing, backstabbing, and deceit. He has announced his total allegiance to the Communist conspiracy. He has proven his Godless attitude by banning religion and imprisoning priests. He has opposed the United States in every confrontation with the Soviet Union. For this he is rewarded by being received at the White House as the respectable head of a friendly nation.

2. Moonshot: Columnist Peter Edson reports that up until mid-September the Vice President and all the congressional administration drumbeaters were emphasizing the need to spend \$20 billion to beat the Russians to the moon. Then President Kennedy calmly rejected this theory and told the U.N. we should conduct a joint moon venture.

3. Workweek: In 1960, Kennedy said the Nation had to buckle down to work. He opposed a shortened workweek. Following

his nonpolitical tour, Kennedy said, "We're going to find the workweek reduced."

4. Vietnam: American boys are being killed, but the President says we are not at war. He says the CIA is following orders, then recalls the head of the mission.

THE PLAN AND THE ARCHITECTS

The Americans for Democratic Action has made no secret of its aim "to tailor our Constitution to fit its peculiar measurement of a Socialist welfare state." Members of the ADA, close to the President and helping direct administration policy, to name a few: Secretary of Agriculture Orville Freeman; on the White House staff, Theodore Sorensen, Lawrence O'Brien, Arthur Schlesinger, Jr., in the State Department, Chester Bowles, Averell Harriman, G. Mennen Williams, Carl Rowan.

The choice the American people face: A leadership which will state its principles and stick to them, or the New Frontier attempting to be all things to all pressure groups by abandoning one policy after another and reversing positions to sail with the popular tide.

Address of Congressman Edward P. Boland at Ground-Breaking Ceremonies of \$2,800,000 Flood Control Project in Chicopee Falls, Mass.

EXTENSION OF REMARKS

OF

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1963

Mr. O'NEILL. Mr. Speaker, our colleague, the gentleman from Massachusetts, Congressman EDWARD P. BOLAND, was the principal speaker Saturday, October 19, at the ground-breaking ceremonies in Chicopee Falls, Mass., for a flood control project in which he can take particular pride. For it was Congressman BOLAND who sponsored the authorizing legislation for flood protection in the Chicopee River Basin in Massachusetts after that area had been devastated by the ravaging flood and hurricane of August 1955, with the resulting loss of millions of dollars in property damages to industry and homes, and it was he who, as a member of the Appropriations Subcommittee on Public Works, shepherded through the appropriations needed for this vital project.

In his speech, Congressman BOLAND underscored his philosophy with respect to public works projects, which are so often attacked as pork barrel legislation, with these words:

As a Member of Congress that sits on the Appropriations Subcommittee on Public Works, I have been invited and have traveled to many places in the United States to join in ground-breaking and dedication ceremonies. But none have given me a greater sense of personal pride and satisfaction than those I have been invited to in the New England region, and particularly in our own community.

It has been written and said, many times, that the public works bill is the pork barrel legislation of the Congress, that it provides taxpayers money for unneeded and wasteful projects, that it is fattened by politics and that it is a gigantic boondoggle.

The programs and projects that come from public works and reclamation are an invest-

ment in America. They preserve our land and conserve our natural resources. If it had not been for these programs this great Nation of ours would be stripped bare by the ravages of storms, the rapaciousness of rivers, the savage winds, and driving rains. It would lie wasted by the ferociousness of forest fires and floods, and, sometimes too often, by the greed of man. These projects contain the elements and enable the river, the rains, the harbors, and the mountains to work for mankind, and not against mankind.

Mr. Speaker, Hurricane Diane struck with devastating force on August 19, 1955, and caused nearly \$3 million in losses to the industrialized area along the Chicopee River in Chicopee Falls. Three major plants, forming the greater part of the area's economic base and representing \$100 million in production annually and \$60 million worth of plant facilities, were damaged. Water reached a height of 16 feet within the lower basements of some buildings. Congressman BOLAND filed the legislation necessary to authorize the flood control projects needed for future protection of the area. The Chicopee Falls local protection project was authorized by Congress in 1960. It is located in the Chicopee River Basin, the largest tributary basin in the Connecticut River system. In conjunction with the existing Barre Falls Reservoir and the authorized Conant Brook Reservoir, this local protection system will provide major flood protection for Chicopee Falls. In a recurrence of the flood of August 1955, the project is designed to prevent \$2,700,000 in damages, over and above damages prevented by the existing and authorized reservoirs.

The site of the project is along the south and east banks of the Chicopee River. Dikes and floodwalls will extend from the Chicopee Dam downstream for nearly 1 mile to high ground. About 3,300 feet of channel improvement modifications will be made on the west bank at the lower end of the project. Surface drainage will require two pumping stations with a total pumping capacity of 4,500 gallons per minute. They will be installed at Main and Oak Streets. The contractor, awarded by contract by the U.S. Army Corps of Engineers, New England Division, is the Daniel O'Connell's Sons, Inc., of Holyoke. The project cost is estimated at \$2,800,000 of which the Federal cost is \$2,290,000. The Commonwealth of Massachusetts and the city of Chicopee are cooperating in the project at a cost of \$510,000.

Mayor Edward Lysek, of Chicopee, in his address, thanked Congressman BOLAND for the great role he played in bringing the flood control project to reality, and he also thanked the members of the State legislature and the members of the Chicopee government for their cooperation in passing the necessary State and city legislation and orders for the project. The master of ceremonies was Raymond W. Gelinas, chairman, Chicopee Industrial Development Commission; the invocation by Rev. Father Emil Majchrzak, pastor of St. Stanislaus Church, and the benediction by Rev. B. B. Earnhart, pastor of the Chicopee Falls Methodist Church. Brig. Gen. Peter C. Hyzer, division engineer, U.S. Army Engineers, New England

division, also spoke and the musical selections were by the 8th Air Force Band, Westover Air Force Base, under Capt. Edward D'Alfonso, director. Telegrams from Senators Leverett Saltonstall and Edward M. Kennedy and State Senator Maurice A. Donahue, majority leader of the Massachusetts Senate, were read. State Representative Mitsie T. Kulig, of Chicopee, was present for the ground-breaking ceremony.

Mr. Speaker, I include with my remarks in the Record the following news story from the Holyoke Transcript-Telegram of October 19, relating the Chicopee Falls project ground-breaking ceremonies:

GROUND BREAKING HELD FOR \$2 MILLION CHICOOPEE RIVER FLOOD CONTROL PROJECT

Credit to the industrialists and businessmen of the area in bringing about the Chicopee River flood control project, ground breaking for which was held this morning, was paid by Congressman EDWARD P. BOLAND, of Springfield, at the formal exercises held on the riverbank at the rear of the Chicopee Manufacturing Co., in Chicopee Falls.

The Second District Representative in Congress told how the directors of the Chicopee Manufacturers Association met with city officials and taxpayer group leaders following Hurricane Diane's nearly \$3 million damage to this industrial area in July 1955, and set in motion a chain of events that culminated in today's start on a flood control project which will avert such costly consequences.

There were some 200 persons on hand for the exercises which were held in a large tent set up by the Army Engineers.

Telegrams to Mayor Lysek were read from U.S. Senators Leverett Saltonstall and Edward M. Kennedy and State Senator Maurice A. Donahue wishing the city excellent results from the project and regretting that previous commitments make it unable for the officials to attend.

There was only one change in the scheduled program. Rev. B. B. Earnhart, pastor of the Chicopee Falls Methodist Church, gave the final benediction instead of Rev. Robert H. Cummings, of Grace Episcopal Church of Chicopee, who was unable to be present.

Congressman BOLAND's talk was the highlight of a program attended by National, State, and local officials, representatives of the U.S. Army Corps of Engineers, Daniel O'Connell's Sons, Holyoke contractor in charge of the projects which will cost in excess of \$2 million, as well as many interested citizens.

The flood control work is expected to be completed in 21 months.

The program opened at 11 o'clock with the playing of the national anthem by the 8th Air Force Band from Westover Air Force Base. Raymond W. Gelin, chairman of the Chicopee Industrial Development Commission and master of ceremonies for the proceedings, gave the welcome, and the invocation was given by Rev. Emil Majchrzak, pastor of St. Stanislaus Church, Chicopee.

Following introduction of guests there were remarks by Mayor Lysek of Chicopee, Brig. Gen. Peter C. Hyzer, division engineer, U.S. Army Engineer Division, New England, and Congressman Boland.

Continuing on the reaction of the city leaders to the disaster and the effect of the consequent flood on industry and home, Congressman BOLAND said in part:

"Engineering studies were made of the damages suffered in the hurricane and of how a repetition of such losses might be averted.

"The question of building a Federal protection project, initially considered in 1936, was reviewed at my request, in the light of new evidence of its economic justification,

as demonstrated by the destruction brought about by Hurricane Diane.

"The industrialists and the businessmen of this area played a vital role in securing this project. They were in no mood to endure a continuing Sword-of-Damocles existence. Floods had damaged their plants, impaired their production, and had threatened the economic life of the community.

"This community has acted wisely in asking help from the Army Corps of Engineers, which is the agency of the U.S. Government entrusted with nationwide responsibility for flood control.

"You may wonder why the Federal Government steps in on such matters. The answer is a simple one. The damages from floods adversely affect the economy of an entire region and ultimately the Nation. Thus, the benefits of flood protection spread throughout the national economy. Hence it is appropriate that the cost of flood protection should be shared by the taxpayers of the United States, along with those of a particular community.

"Shortly after the Hurricane Diane disaster, I received an urgent communication over the signatures of S. E. Harrison, factory manager, Chicopee plant of the U.S. Rubber Co.; Oliver M. Knobe, vice president, Savage Arms Corp., and John F. Shaw, vice president, Chicopee Manufacturing Corp. They pointed out the severe losses sustained by their firms and asked me to consider the long history of economic stability which their plants represented.

"Even more significant, however, was an ominous reference to what the future might hold for the economic health and welfare of the plants and for the thousands of men and women who derived a living from them.

"The project we inaugurate today will be a monument to the faith of both the people in this community, and of the Federal Government in the economic future of Chicopee. I am sure that it will serve you well and that you will make good use of the stability it provides, as a foundation for further growth.

"This project will be an integral part of the flood control systems in the Connecticut River Basin, which stretches from the Canadian border to Long Island Sound and is the largest in New England.

"Here some 15 local protection systems have been completed, or are under construction or design in the basin. Just as in the case of this project, all were authorized by Congress following demonstration of their need and economic justification."

The Gesell Report and Mr. Gesell and How the Department of the Navy Feels About the Report

EXTENSION OF REMARKS

OF

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1963

Mr. HÉBERT. Mr. Speaker the strange silent voice of the infamous and vicious Gesell report, which has put the military in tailspin and has driven the morale of the forces to a new low, is that of Mr. Gesell himself.

Ever since the Gesell report became the subject of discussion nobody has heard a word either in defense or in apology from the individual whose name the report bears.

Some weeks ago an exchange of correspondence was turned over to me by an old friend of Mr. Gesell's who was shocked to learn that his old schoolmate "had been taken in" by others.

I have a copy of Mr. Gesell's reply which I have been given permission to use as I see fit. I wrote Mr. Gesell on October 9 and called to his attention how little knowledge he had of his own report and how he had been most inaccurate in stating the Navy's position on the report.

To this date I have not even received an acknowledgment from the gentleman. I think I have given him enough time to reply, and not having received a reply, I am directing the attention of the Members of the House to my letter to Mr. Gesell which speaks for itself.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 9, 1963.
Mr. GERHARD A. GESELL,
Covington & Burling,
Union Trust Building,
Washington, D.C.

DEAR MR. GESELL: Our mutual friend, C. Horton Smith of New Orleans, has made available to me the exchange of correspondence between you and him regarding the so-called Gesell report. He has given me permission to use this exchange of correspondence as I see fit and I am seizing that opportunity because I am somewhat puzzled about the statements which you make and which do not conform to the facts.

To begin with, I realize that you did not write the report which bears your name, but at least I thought you had read it. The indications are you did not, because you could not have made the following statement in your letter to Hort: "The Navy attitude is quite different from that which prevailed in 1946 when you were an ACI officer. Indeed, many of the recommendations in the report including the ones I believe you refer to were already an established part of Navy policy before the Committee was appointed." Now, as a matter of fact, I don't know of anybody, including myself, who vigorously rejects and is most critical of the report, who has challenged the right of the military to make its own rules and regulations on base. The military has been integrated for years under a special executive order by President Truman, but never has the military been ordered by executive order to advocate and influence social reforms off base.

While I admit I am suspect in anything I might say because of the geographical location of my district, I do not approach my criticism of the report on the basis of segregation or integration. I criticize the report and assail it because of the misuse of the Department of Defense and its military components in putting into effect that which has not been authorized by the Congress.

Now I believe in being specific and dealing in facts, and I can say to you without equivocation or hesitation, that to the date of this writing I have not found, not only in the Navy but in the Air Force and the Army, a single officer who concurs and favors this report. On the contrary, every man in uniform that I have talked with is horrified and shaken by the use which the military is being put. I am amazed that you make the further statement: "You are mistaken in assuming that we proposed any preferential treatment for Negro members of the Armed Forces." It would be well if you would read the report and place this statement against the statements made page after page. If the proposals of the report were as you say, "simply designed to elimi-

nate aspects of discrimination which impair the effectiveness of the military in carrying out its important mission," then I assure you the exact opposite has been the result. I have never known the morale of the military to be so affected negatively by a proposal as in this instance. It is the most destructive document that has ever been issued and its effect upon the military has been appalling.

Now as to the Navy's position which you indicate in your letter is favorable to this report, I call your attention to these facts. In the official position of the Navy submitted to the Secretary of Defense, at his direction. This report is an official report submitted to the Assistant Secretary of Defense for Manpower in a memorandum dated July 10, 1963, subject: Report of the President's Committee on Equal Opportunity in the Armed Forces, and reference: (a) Secdef memo of June 27, 1963, and it is most interesting to note that this report says:

The Navy rejects the contention that Negro officers have been discriminated against when it comes time for promotion. The Navy stated that it has been its experience that its Negro officers have achieved marked success even though the competition is stiff.

The Navy rejects any implication that officers serving on a promotion board would, contrary to their statutory oaths, practice bias.

The Navy rejects the Committee's recommendation that photographs and racial designations be eliminated from officers' records jackets. The Navy stated that such photographs are necessary, and that promotion board members are required by statutory oath to perform their duties without prejudice.

The Navy rejects the contention that new techniques be developed to assure that promotion board members are free from bias. The Navy stated that the oath required of all officers serving on selection board is all that is considered necessary.

The Navy rejects the suggestion that a detailed manual be developed for officers handling alleged discrimination grievances. The Navy said that in view of the ready availability of policy directives in this area, little purpose would be served by the issuance of such a manual.

The Navy rejects the Committee's suggestion that special consideration for promotion and career advancement be given to officers who promote integration. The Navy stated that officers should be rated on how they manage their entire commands, and not selected segments of it.

The Navy rejects the recommendation that the history of Negro participation in the Armed Forces and the alleged problems which he confronts be made a part of the curriculum at all levels of officer and command training. The Navy stated that such an action would only accentuate interracial problems.

"The Navy rejects the suggestion that economic sanctions be leveled at offbase establishments which practice segregation. The Navy pointedly stated that public accommodations legislation is in the hands of the Congress. It added that the command-community relationship should not be abandoned for the economic boycott type action.

"The Navy flatly rejects the suggestion that curtailment or termination of activities at certain military installations be considered as an ultimate lever of force. The Navy tersely commented that base siting is based upon military requirements."

The Navy rejects the recommendation that officers be established in each Service for the purpose of handling cases of alleged discrimination. The Navy said the present staffing is considered adequate.

The Navy rejects the suggestion that personnel working toward a college degree be required to attend integrated colleges in all

instances. The Navy said if a student covers his own tuition costs, the choice of colleges should be primarily his own. When the Government covers the cost of tuition, the Navy stated, it will endeavor to be responsive to the desires of the individual when it is not in conflict with the best interests of the Government.

I might add that the reports of the Air Force and the Army is consistent with the negative attitude of the Navy toward the very important proposals to which so many Americans object and which I have emphasized above with quotation marks.

I assure you that it is my intention to give this letter the greatest circulation possible because it exemplifies and clearly demonstrates the complete lack of knowledge and the misleading, inaccurate statements which have come from you whose name the report bears, and who must assume the responsibility for its contents even though not written by you.

I shall anticipate your appearance before the House Committee on Armed Services when the bill introduced by the Honorable CARL VINSON of Georgia negating the damaging directive, which has been issued by the Department of Defense as a result of the report which bears your name, is considered. At that time I anticipate asking you many pertinent questions which I hope you will be prepared to answer.

Yours very truly,

EDWARD HÉBERT.

Address of U.S. Senator Edward M. Kennedy, of Massachusetts, Before the 115th Annual Convention of the Hampden County Teachers Association in Springfield, Mass., October 18, 1963

**EXTENSION OF REMARKS
OF**

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 21, 1963

Mr. BOLAND. Mr. Speaker, the 115th Annual Convention of the Hampden County Teachers Association, held at Springfield, Mass., last Friday, October 18, heard an address by U.S. Senator EDWARD M. KENNEDY who developed the theme of the Federal Government's role in education, and the importance of good education to prepare the next generation to meet its domestic and worldwide responsibilities. The junior Senator from Massachusetts was presented to the 3,000 assembled teachers in Springfield Municipal Auditorium by Joseph P. Quinlan, of Chicopee, president of the Hampden County Teachers Association. Under unanimous consent, I include in the CONGRESSIONAL RECORD the text of Senator KENNEDY's address and the newspaper account of the meeting taken from the Springfield Daily News of October 18:

HAMPDEN COUNTY TEACHERS ASSOCIATION,
FRIDAY, OCTOBER 18, 1963

It is a privilege to be with you today at your annual meeting. I feel at home with members of the teaching profession, not only because my mother once taught school in Boston, but also because earlier this year I was in the classroom myself. I took a course

in Washington in speed reading, so that I can keep up with the material that comes across my desk; and so that I can keep up with certain members of my family.

This course has been given for Senators for a few years. The trick is to read faster and still remember all you read. Last year, one of my Senate colleagues took it, and was told that he should practice the techniques 1 hour each day. So on a trip back to his State, he purchased five murder mysteries at the airport. He went through the first one, turning pages. And after a few minutes he finished the book and handed it to his assistant, who was traveling with him. The Senator said: "OK, quiz me on it."

His assistant said: "Who was murdered?"

(Pause) "I think it was the girl."

"How do you know?"

"Because her picture is on the cover with a knife in her back."

I have had the opportunity in recent months to meet with teachers throughout the Commonwealth, and to see your representatives on their visits to Washington. The Hampden County Teachers Association is an outstanding organization here in central Massachusetts. You are a united voice for progress, for better education and for all that is so important to the boys and girls of this area.

Your organization goes back 115 years. While the methods of teaching have changed greatly in these years, the role of the teacher—and her central place in our society—will never change. You have an opportunity that come to very few: You can shape the development of human beings. You can give your students a knowledge and a discipline that will be with them always. A distinguished educator once said, "Everything we may build, skyscrapers, bridges, and highways, will eventually crumble into dust. But put an idea into the mind of a child, and it stays there forever."

Last spring I had an opportunity to visit two high schools in the Washington, D.C. area. These schools had a dropout rate of 20 percent. These are considered problem schools with troubled students. And yet I was extremely impressed by the effort being made by the teachers and by the quiet manners of the students despite the difficult conditions for these children, in school and at home. Many of them are anxious to learn, and to make a real contribution to society. These schools showed me how far we still have to go to bring opportunity in education to all our children. But it also made me very proud of the job you are doing here in Massachusetts. The contribution of our teachers, over many years, has made our State a primary center of educational achievement—not just in our colleges and universities, not just in our private schools, which attract students from all over the country, but in our public schools as well. Massachusetts is sixth in the Nation in the percentage of public school teachers with master's degrees. That is a good indication of the efforts you are making to improve your skills.

I come to you today from the city of Washington where decisions are being made that will affect the future of all of us. Changes are taking place throughout the world. In the last 2 or 3 months we have seen a great division in the Communist world. We see new democratic leaders moving into power in England and in Germany; and new dictators moving into power in Latin America.

Two weeks ago we welcomed to our country the Emperor of Ethiopia, Haile Selassie. This summer, in his capital city of Addis Ababa, 30 African nations met to sign a charter of African unity. If their hopes are realized, they will weld together a national force greater in population and resources than the United States: A mighty force to be reckoned with in our planning for the future.

The nations of Europe, which went their separate ways for hundreds of years, have formed the economic union of the Common Market. Their goods are now on the shelves of almost every store in America. Massachusetts workers have lost jobs because of this development. But our companies always have the opportunity to create even more jobs by selling their products in the Common Market.

No government can be effective; no nation can fulfill its responsibilities in the world unless the people are prepared for the work ahead. And that preparation can only take place in the schools and classrooms of the nation.

If we are to defend democracy abroad, our children must learn the meaning of democracy at home.

If we are to compete economically, our students must be trained in the skills they need to get jobs.

If we are to have the trained leadership we need in America, we cannot be satisfied with a situation in which only 2 children out of 10 finish college.

We are already paying the price for our failure to adequately support education in the past. Our space program is having trouble recruiting scientists and engineers. It must compete with private industry in this field. By 1970 we will need to graduate 7,500 Ph. D.'s each year in the physical sciences, mathematics, and engineering if we are to continue our economic growth and preserve our military security—but in 1960 we graduated only 3,000. We have unemployment in Massachusetts. Yet companies with job opportunities for skilled workers cannot find the people to fill them.

Our selective service tells us that one out of every three young men is rejected as physically unfit. A great deal has been done in the last 2 years to increase interest in physical fitness in schools. But had this been done 10 years ago, we would be better off today.

We hear complaints about the quality of the programs on television. Yet the polls show broadcasters are giving the people what they want. If we had more interest in the schools in the arts and humanities, in literature and the theater, would not popular taste be higher and television better?

The lesson of these developments is very clear: If we want to avoid difficulties in the future, we must make investments in education now. If this can be done, then future shortages and future shortcomings could disappear.

It is essential, in our educational programs, that we build better facilities, pay better salaries, and provide our teachers with the modern techniques that can make their work more effective.

There is little controversy over the fact that this job must be done. But there is much controversy over who should do it. I think the record is clear that State governments, and especially local governments, have strained to the limit of their resources in supporting education. In 1962, 95 percent of the funds for public education in the Commonwealth came from State and local government. Almost 30 percent of all our tax dollars was spent for education. To call upon State and local taxes, which are already heavy, which bear most heavily on citizens least able to afford them, would be a mistake in my opinion. New support must come from the Federal Government.

Two years ago the Senate passed a bill that would provide a billion dollars a year for 4 years, for school construction and improvement of teachers' salaries. The decision of how this money is to be spent would be made locally, where it should be made. This year the President has recommended a bill of equal proportions. No unresolved

controversy over religion, or race, or local control should be allowed to further delay this vital assistance for our schools. The debate, delay and indecision have gone far enough. Now is the time for action by Congress. And you can be sure that my best efforts, as a member of the Education Committee of the Senate, will be directed toward passing this legislation which means so much to our children.

In conclusion I want to say that you are preparing your students to be not only good Americans, but citizens of the world. Last year, 12 million Americans traveled abroad—over twice as many as 10 years ago. The number of companies doing business abroad has increased remarkably, as better living standards in other nations have made them customers for American products. The Breck Shampoo Co. here in Springfield has just received an award for export expansion. The chemical paper, and machine tool industries of this area have customers in Germany, Brazil and even Africa.

We are going to see more of this, not less. By 1970, the trip from Boston to Paris will take 3 hours and the fare should be less than \$100. In the world in which your students are going to live, an education that stops at our borders will not be enough.

This summer I had the privilege of assisting a group of senior high school students in Quincy with a most worthwhile project. As students in a class on problems on democracy, they had studied the careers of the leaders of European countries. Through the enthusiasm of their teacher and generosity of citizens of that area, and with the assistance of our State Department, they were able to go to Europe and meet these leaders in person. It was an experience they will never forget.

I would like to see schools here in Hampden County, and throughout the Commonwealth, explore such programs where possible.

You who teach in the schools of this county have a critical assignment. You must prepare the next generation for its responsibilities. If you succeed, the communities you live in will grow and develop the way they should. So let all of us—teachers, educators, parents, citizens—work together to do the best we can for our children, who are our most precious possession and our greatest responsibility, as a people and as a nation.

[From the Springfield Daily News, (Mass.) Oct. 18, 1963]

FEDERAL AID TO EDUCATION—SENATOR KENNEDY FOR LOCAL ADMINISTRATION OF FUNDS

U.S. Senator EDWARD M. KENNEDY told about 3,000 Hampden County teachers today that he supports Federal aid to education and drew loud applause when he added that local authorities should control the administration of Federal funds.

The Massachusetts Democrat was speaking before the 115th annual convention of the Hampden County Teachers Association held today in municipal auditorium.

He declared that no one seriously questions the need for higher teachers' salaries and better facilities, but noted the controversy was over whether or not the Federal Government should assist states and local communities.

He said that State and local authorities have "strained" their resources in support of education, noting that Massachusetts, on a State and local level, spent 30 percent of its tax money last year for education.

"New support must come from the Federal Government," he asserted. The Senator drew applause for the first time during his speech when he quickly added: "The decision of how and where the money is to be spent should be locally made."

He noted that U.S. Representative EDWARD P. BOLAND, Democrat, second district, who was seated on the platform with Senator KENNEDY today, was making efforts to guide the aid-to-education bill through the U.S. House with minimum "debate and delay."

When he mentioned Representative BOLAND, who did not address the gathering, he drew applause for the second time.

NINETY-FIVE PERCENT

Senator KENNEDY noted that 95 percent of education expenses in Massachusetts is being financed by the State and local communities.

He noted that the European Common Market is resulting in "displacement of opportunities" for Massachusetts workers. He cited the simultaneous need, however, for more skilled labor, and said that education must meet this challenge.

He said this country's educational programs must also meet the challenge posed by the signing this summer of an African unity treaty by 30 nations on that continent.

He said that Africa represents a region with "greater population than the United States and greater natural resources than the United States." He added: "It is a power the United States will have to reckon with."

In his opening remarks, the President's brother credited the HCTA with being "a united voice for progress and for better education." He said "the role of the teacher and its central place in our society will never change."

He noted that there have been complaints about the quality of U.S. television, but said polls show the broadcasters are "giving the people what they want." "Better education," he said, "would improve the popular taste."

He said the Nation's space program is currently in difficulty as far as recruiting scientists and engineers. He said that the country will need to graduate 7,500 Ph. D.'s in 1970 in order to preserve "our economic growth and our military superiority." He noted that the year 1960 saw only 3,000 doctorates granted.

In conclusion, he termed "inadequate" education which "stops at the country's boundaries." He declared that the "enthusiasm" of teachers is one of the greatest assets in furthering education for the Nation's schoolchildren, "our most precious possession, and our greatest responsibility."

On the platform with Senator KENNEDY and Representative BOLAND were Mayor Charles V. Ryan, Rev. Edmund B. Walsh of St. Patrick's Church, Chicopee Falls, and HCTA President Joseph P. Quinlan of Chicopee.

Prior to Senator KENNEDY's speech, the association held a business meeting in which five resolutions were adopted on voice vote without discussion or debate.

NO NEW NOMINATIONS

Officers for the coming year were elected to their posts in the same fashion with no new nominations coming from the floor.

The meatiest resolution passed proposed that school systems in Hampden County strive for a minimum of 50 teachers for every 1,000 students, a limit to the "noninstructional tasks required of a teacher," and a minimum of 25-to-1 pupil-teacher ratio in elementary schools.

Other resolves urged increased unity in the teaching profession, expressed continued support for raising certification standards, called on school departments to establish uniform, well-defined personnel policies, and recommended increased efforts to promote public understanding of education.

New officers-elect are Millicent G. Green of Wilbraham, president; John J. Sullivan of this city, first vice president; Ralph L. Shindler of Longmeadow, second vice president; Elizabeth A. Sullivan of West Spring-

field, secretary; and Charles B. Thompson, treasurer. Mr. Thompson is the only one who has not been an officer for the past year.

In the business session, Albert M. Johnson, Massachusetts director of the National Education Association, reminded the teachers

that the goal for next year was to have NEA's membership total 1 million. Current membership the tide of dropouts.

PAST YEAR GROWTH

Dr. Theodore Toporowski, second vice president of the Massachusetts Teachers As-

sociation, said that MTA grew by 3,000 membership is 859,000.

Alton S. Cavicchi, president of the Massachusetts Association of School Committees, said the help of teachers was needed to stembers in the past year to 31,000.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 22, 1963

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I Corinthians 10: 12. Wherefore let him, who thinketh he standeth, take heed lest he fall.

O Thou God of might and of mercy, may we daily take heed unto ourselves and be more fully aware that our individual and national life has a vulnerable side and that we cannot breast the storms and headwinds of subtle temptations and meet and master them with our own puny strength.

We penitently confess that irreligion and indifference to the spiritual ideals seem to have become the habit of life for many. Grant that our own loyalty and devotion to fundamental religious principles may never be weakened and dissipated by feelings of complacency.

Help us to see clearly that our faith must always be kept vivid and vital for experience teaches us that eternal vigilance is the price of a faith that is strong and steadfast as truly as it is the price of a freedom that is coordinated with rigid discipline.

Hear us in the name of the Author of our faith and the Captain of our salvation. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 75. An act to provide for exceptions to the rules of navigation in certain cases;

H.R. 641. An act to approve an order of the Secretary of the Interior canceling and deferring certain irrigation charges, eliminating certain tracts of non-Indian-owned land under the Wapato Indian irrigation project, Washington, and for other purposes; and

H.R. 4588. An act to provide for the withdrawal and reservation for the Department of the Navy of certain public lands of the United States at Mojave B Aerial Gunnery Range, San Bernardino County, Calif., for defense purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1243. An act to change the name of the Andrew Johnson National Monument, to add certain historic property thereto, and for other purposes;

S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District;

S. 1584. An act to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes;

S. 1687. An act to approve the January 1963 reclassification of land of the Big Flat unit of the Missoula Valley project, Montana, and to authorize the modification of the repayment contract with the Big Flat Irrigation District;

S. 1914. An act to incorporate the Catholic War Veterans of the United States of America; and

S. 1942. An act to incorporate the Jewish War Veterans of the United States of America.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 177]

Ashley	Halleck	O'Brien, Ill.
Bass	Harris	O'Konski
Berry	Hébert	Patman
Blatnik	Hoeven	Pepper
Brock	Hoffman	Plicher
Bromwell	Jensen	Poage
Broyhill, Va.	Jones, Mo.	Rivers, S.C.
Bruce	Kee	Ryan, N.Y.
Buckley	Kelly	St. Onge
Cahill	Keogh	Shelley
Celler	Kilburn	Sibal
Chelf	King, Calif.	Sickles
Cooley	Kunkel	Smith, Iowa
Derwinski	Lipscomb	Springer
Diggs	Long, La.	Steed
Dorn	McDade	Stubblefield
Dulski	McIntire	Taylor
Fallon	McLoskey	Thompson, N.J.
Feighan	Macdonald	Thornberry
Findley	Mailliard	Vinson
Ford	Martin, Calif.	Westland
Frelinghuysen	Martin, Mass.	Whitten
Fulton, Pa.	Michel	Wilson, Bob
Fulton, Tenn.	Miller, Calif.	Wilson,
Gray	Miller, N.Y.	Charles H.
Gurney	Moss	

The SPEAKER. On this rollcall 357 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AN ACT TO ESTABLISH A REVOLVING FUND FROM WHICH THE SECRETARY OF THE INTERIOR MAY MAKE LOANS TO FINANCE THE PROCUREMENT OF EXPERT ASSISTANCE BY INDIAN TRIBES IN CASES BEFORE THE INDIAN CLAIMS COMMISSION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3306) to establish a revolving fund from which the Secretary of the Interior may make loans to finance the procurement of ex-

pert assistance by Indian tribes in cases before the Indian Claims Commission, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 1 to 6, inclusive, and insert:

"SEC. 2. No loan shall be made under this Act to a tribe, band, or group if it has funds available on deposit in the Federal Treasury or elsewhere in an amount adequate to obtain the expert assistance it needs or if, in the opinion of the Secretary, the fees to be paid the experts are unreasonable in light of the services to be performed by them."

Page 3, after line 2, insert:

"SEC. 7. After the date of the approval of this Act, the Secretary of the Interior shall approve no contract which makes the compensation payable to a witness before the Indian Claims Commission contingent upon the recovery of a judgment against the United States."

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. ASPINALL]?

Mr. GROSS. Mr. Speaker, reserving the right to object, I see no one on the minority side on the floor in connection with this bill. I assume that calling this up has the approval of the minority?

Mr. ASPINALL. It has the approval of Representatives from the minority side. The gentleman from Pennsylvania [Mr. SAYLOR], has given his consent and he has spoken to the leadership on the gentleman's side.

Mr. GROSS. Are all of the amendments to this bill germane to the bill?

Mr. ASPINALL. The amendments are not only germane but they serve as a limitation on the funds so that they are not additional funds that are provided for this purpose.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PREVENTION OF AIR AND WATER POLLUTION

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LESINSKI. Mr. Speaker, I have introduced a bill to encourage the prevention of air and water pollution by allowing the cost of treatment works for the abatement of air and water pollution to be amortized at an accelerated rate for income tax purposes. The principle